

From Gold Field to Municipality: The Establishment of Ballarat West

1855 – 1857

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Abstract

This thesis examines the establishment of the Ballarat West Municipality in the years of 1855 – 1857 and the factors that contributed to the introduction of local self-government in the immediate aftermath of the Eureka Stockade. Underlying the study is the changing administrative requirements necessitated by the transition from a temporary gold field to a permanent city. A central theme explored in relation to this development is that it was a consequence of the emerging culture of modernity of that era precipitating radical political changes in local government that began with the 1835 British Municipal Corporations Act. This theme is expanded to highlight the reform of local government in the Victorian era in response to urbanization and the need for modern and rationalised methods of managing the new towns and growing cities. The difficulty in making and sustaining such progressive changes in Britain is contrasted with the eager adoption of the concept of progress and the new Victorian Municipal Corporations Act of 1854 on the Ballarat goldfields.

The question as to why the Municipality was established is answered by exploring the connection between the failure of the Goldfields Commission at the end of 1854 and the belief held by many, that taxes should be accompanied with political representation and should be spent where they were collected. This study exposes the remarkable story of how the first elected councillors, starting

from scratch, quickly established administrative systems and brought order to a community emerging out of turmoil.

The process of how the municipality was established is uncovered by an extensive survey of the council minutes, the media, council correspondence and public records.

STATEMENT OF AUTHORSHIP

Except where explicit reference is made in the text of this thesis, this thesis contains no material published elsewhere or extracted in whole or in part from a thesis by which I have qualified for or have been awarded another degree or diploma. No other person's work has been relied upon or used without due acknowledgement in the main text and bibliography of the thesis.

This is to certify that the thesis is less than 40,000 words in length, exclusive of tables, maps, bibliographies, footnotes and appendices.

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Chapter Outline

Chapter one is a discussion on the historiography of Australian local government and local history emphasising the general lack of symbiosis between them as well as a mutual lack of considering the relevance of 1850s modernity to the establishment of local government. In this chapter I will also highlight the fact that in regard to local histories, the role of municipal governments has been overlooked.

Chapter two is a discussion on modernity contrasting the difficulty of structural change in ‘old England’ with the relative ease of establishing a new and better version in the colonies especially in Victoria. This chapter also explores the depth of feeling behind the moves to create a new society which included a modern version of local government based on liberal and modern concepts, both colony wide and on the Goldfields.

Chapter three outlines the evolution of local government in Britain and also in the Australian colonies with the focus on the Victorian experience. In this chapter I look at some key factors in the creation of municipalities in regard to Victorian Britain and the growth of settled populations on the Goldfields. I also examine the 1853 investigation into the Goldfields as well as the 1854-5

Commission of Inquiry in the management of the Goldfields as a key primary resource of this period.

Chapter four describes the power vacuum and general lawlessness that developed in the Ballarat district early in 1855 after the disbanding of the Goldfields Commission and the responses of the local population. It presents evidence of the continuing role of the Victorian Reform League after Eureka, in concert with local men of commerce and newly elected politician J B Humffray in initiating the petition for Municipal Government in Ballarat West.

Chapter five outlines the struggle to establish the security of the township location as it came under threat from mining activity in 1855. It also discusses the competing interests of Township land-owners, the miners and traders in Ballarat East and others with a foot in both camps such as Thomas Bath and H R Nicholls. It also outlines the shenanigans with competing applications for municipal incorporation.

Chapter six explores the inauguration of the Ballarat West Municipality. It discusses the election of the founding members, their characteristics, duties and connections they developed in implementing their vision for a modern Ballarat West.

Chapter seven describes the new Council's struggle to assert its authority in the district. As a new player amid other well-entrenched agencies like the District Roads Board, the Gold Department, and the Magistrate administering the Police District, power was not just given – it had to be claimed and it was not made easy for the new Council.

Chapter eight discusses the establishment phase and the creation of local infrastructure. This focusses on waste, water supply, the Market Square, the rail and telegraph, and local roads and streets. This chapter also discusses related political issues with many competing interests emerging both within and without the Council.

Introduction

This thesis seeks to answer the question as to why and how the Ballarat West Municipality was established between the years of 1855 and 1857 and to what extent the modernising developments of that era were relevant contributors.

The Victorian era was a time of structural change for Britain and the colonies.

During this time the ideas of the enlightenment particularly science, technology and the growing commercial importance of the individual as a consumer and owner of property¹ were becoming increasingly relevant. As an urban social existence evolved, solutions were sought for modern living and enacting the emerging rationalised arrangements of the modern state. This period marks a departure from the feudal arrangements of the past. Local Government was transformed in this era as the custom of closed corporations controlled by the aristocracy, exclusive mercantile guilds and associations and the established church, had to make way for a new breed of rate payers and land-owners. This was also in recognition of the need for cities to cope with the needs of population growth, social order and conformity. However, the pace and degree of change often varied from city to city and from the home country and the colonies.

¹ Grant McCracken, *Culture & consumption: new approaches to the symbolic character of consumer goods and activities*, Indiana University Press, 1990; John Rule, *Albion's people: English society 1714-1815*, Longman Group UK, London, 1992, pp1-25; Peter Laslett, *The world we have lost – further explored*, 3rd edition, Methuen London, 1983; Peter Gurney, *Wanting and having*, Manchester University Press, Oxford, 2015 esp chapter 7, 'the sublime of the bazaar': the religion of free trade and the making of modern consumerism. (Accessed April 1 2017, Proquest, Ebook Central)

While similar challenges were experienced worldwide in this era, the Goldfields presented unique challenges in the formation of these ‘modern’ Municipal Corporations. This was due to the huge financial cost of modern infrastructure for an urban environment, the absence of any pre-existing towns and cities and the unique arrangements of goldmining which, during the surface alluvial phase, was considered temporary.

Unfortunately, studies such as this are rare as is the lack of a ‘grand-sweep’ historian of the Victorian local government system as a whole.² Perhaps the only historian in this category for Victoria would be Bernard Barrett in the 1970’s³. Nevertheless, despite the value of Barrett’s work to the origins of local government in Victoria, his sketchy account of the goldfields is dwarfed by that of Melbourne. Therefore, as I argue in this thesis, this is a topic that should be further explored as it provides another dimension to the history of the goldfields and social change in the mid-1850’s beyond gold and conflict with the government.

This is an important field of inquiry because as mining methods evolved into a longer term and increasingly technical proposition, gold-seeking began to take on the characteristics of an industry with all of its social implications⁴. Therefore

² David Dunstan, ‘A long time coming’ in: *Local Government reform in Victoria*, The State Library of Victoria, Melbourne Victoria, 1998, p4

³ Bernard Barrett, *The Civic Frontier; the Origin of Local Government Communities and Local Government in Victoria*, Carlton, Melbourne University Press, 1979

⁴ Blainey Geoffrey, *The rush that never ended: a history of Australian mining*, Melbourne University Press, Carlton, 1963

the status quo with its temporary arrangements was in desperate need of change – something that took the government an inordinate time to respond to. It was however, the local population that took the initiative, resisting the license fee which was viewed as being not locally beneficial and the management of the district by the Goldfields Commission. Unfortunately, when the administration of the Goldfields Commission ended in chaos at the close of 1854, there was little in the way of normal ‘civilization’ or public utilities. Therefore, while history has generally attributed the actions of the local population to the attainment of political rights, I argue in this thesis that it was also for the extension of the benefits of civilization enjoyed by the other urban centres of Melbourne and Geelong. It was not only a call for respect as John Molony asserts⁵ but it was also to claim their position in Victoria as an essential part of a new and modern society in which a modernised concept of local government played an essential part.

The importance of local government to Victoria in this early phase, was recognised by progressive members of the government such as Surveyor General Captain Andrew Clarke and liberal minded politicians who viewed local government as an essential tool in stimulating economic growth and prosperity throughout the colony. While some viewed this as an outcome of political wrangling over the growing power of the Melbourne City Council, it was also

⁵ John Molony, *Eureka*, First published by Viking 1984, This edition, Melbourne University Press, 2001, xvi

viewed as essential to accommodate the sudden increase in population due to the gold rushes.⁶ Subsequently, municipalities were established not only in Ballarat West during the 1850s but also in many other centres including Bendigo, Castlemaine and Maryborough as well as in the fringe areas of Melbourne.⁷ This was recognized by the colonial government as a means to raise the funds to create extended services based on new technology to interconnected centres of population by the means of road, rail and telegraph. These services included all those that a major population centre would need such as sanitation, water supply, lighting and markets⁸.

The British Local Government Act of 1835 which followed a comprehensive inquiry into local government in 1832 also provided the template for the colonial counterpart.⁹ It was a revolutionary concession to the changing nature of society to one that was becoming rapidly urbanised and desperately in need of appropriate utilities for a mass society.¹⁰ It was also an essential evolution of the modern state based on liberal ideals and the rights of urban landowners to have a direct say in how their towns and cities were managed. It incorporated themes inherited from thinkers like Adam Smith, and later theorists such as J S Mill¹¹

⁶ David Dunstan, 'A long time coming', p 11

⁷ Ibid, pp 14-15

⁸ Bernard Barrett, *The civic frontier*, p. 124

⁹ Frank Hornby AM, MSP, *Australian local government and community development, from colonial times to the 21st century*, Australian Scholarly Publishing, North Melbourne, 2011, 10-15

¹⁰ Bernard Barrett, *The civic frontier* pp8-9

¹¹ J S Mill, *Considerations on representative government*, first published 1861, The Floating Press Auckland NZ 2009

and Jeremy Bentham who believed that modern society could be best managed by rational, scientific and technological means.¹²

With the roll-out of a civic network throughout the colony so close to its creation in 1851, many Victorians believed that this was an opportunity to do it ‘right.’

Thus, as Geoffrey Serle argues, the ‘dominant majority’ of the immigrant population considered that they were a part of Britain and were here to create ‘a better England’ without the faults – ‘but still another England’ expressing all the ‘best’ virtues of British ‘civilization.’¹³ This reactionary attitude was widely held as in Britain the evolution to modernity was slow and riddled with social conflict, but on the goldfields and in the colony itself, progress became a founding principle due to the absence of the ‘old’ British institutions.¹⁴ This transition to modernity both in Britain and on the goldfields is a theme explored in this thesis.

To uncover the story behind the establishment of the Ballarat West municipality I believe that there is much to be gained by taking an ‘institutional approach’ to

¹²Stuart Hall, ‘Formations of modernity, book 1’, in Stuart Hall, and Bram Gieben eds., in *Formations of modernity*, Polity Press, Cambridge, UK, 1992, p1, Peter Hamilton, ‘The enlightenment and the birth of social science,’ in Stuart Hall and Bram Gieben, eds., *Formations of modernity*, Polity Press Cambridge, UK, 1992, p 53-57

¹³ Geoffrey Serle, *From deserts the prophets come: the creative spirit in Australia 1788-1972*, William Heinemann Melbourne, 1973, 26-27, Benjamin T Jones, “Eureka Britannia: Civic Republicanism and the politics of rebellion in the British world” in: *Eureka: Australia’s greatest story*, David Headon & John Uhr eds., The Federation Press, Sydney, 2015, pp 83-94; Williams, Paul, ‘Colonial rebellions in British America, Canada and Australia, a comparative trans-colonial Study concerning their causes, outcomes and connectivity in the attainment of responsible government in Canada and Australia’, Phd thesis, Federation University, 2011

¹⁴ Louis Hartz, (1964), *The founding of new societies*, Harcourt & Brace Inc, New York, Martin, AW, (2007) *Australia and the Hartz ‘Fragment’ Thesis*, in the Whig View of Australian History and Other Essays, Carlton, Vic., Melbourne University Press;

local history as I have in this instance, as the organisation that enables a local community to function is often overlooked. As Bligh Grant and Joseph Drew argue, ‘local governments in Australia are not afforded the dignity they deserve.’¹⁵

Research Method

The research method adopted is documentary analysis of primary sources including council records for the period, newspaper articles, image databases and government gazettes, as well as local histories with relevance and plans of the township for the period in question. I also examine rate and valuation records compiled by the commencing council in 1856 and 1857, just prior to the establishment of the Ballarat East Municipality. Of significant value to this thesis has been the record of the two inquiries into the management of the goldfields that were conducted early in 1853 and at the end of 1855. This valuable source has been previously overlooked as an indication of the aims and expectations of both the residents on the goldfields and the government itself. From the rate records I have compiled a spreadsheet to illustrate the extent of land ownership as a primary factor in the early and rapid success of Ballarat West in 1856 and 1857 and its political significance.

¹⁵ Grant Bligh & Drew Joseph, *Local government in Australia: history, theory and public policy*, Springer Nature Singapore, 2017, p1

Local Government ‘*reform was made in the interests of private property and a free market economy*’. W J M Mackenzie 1961¹⁶

Chapter One

Local Government and local Historiography

In a series of Lectures on British Local Government, W J M Mackenzie argued in the 1960’s, that there is no theory of modern local government but rather it evolved to satisfy the emerging interests of private and public property and the free market economy during rapid urbanisation in the nineteenth century.¹⁷

Urbanization was expensive generating a proliferation of statutory authorities for sewerage and drainage and other services which were answerable to higher levels of government.¹⁸ Equally in Australia during this period demographic pressure also necessitated a reliance on central government treasuries for funding the creation of local amenities. Thus, as Bligh Grant and Joseph Drew in their recent study argue, histories of local government in Australia are dominated by

¹⁶ W J M Mackenzie, *Explorations in Government, collected papers: 1951-1968*, The Macmillan Press London 1975

¹⁷ Ibid, pp 68-75

¹⁸ Webb, Sidney Webb, Beatrice Webb, and G J Ponsonby, *English local government. Vol. 5: The story of the King’s highway*. Cass, London, 1963

the opposing perspectives of voluntarism and centralization.¹⁹ However, Australia-wide a centralist view appears to predominate²⁰.

Margaret Bowman, who was quite prolific on the topic during the 1980's, also argues that in Australia 'local government has never been more than ancillary, first to colonial and then to state governments.'²¹ Bowman like O'Neill²² also argues that the primary reason for municipalities was to defray expensive infrastructure costs by the colonial governments. This approach is dominant in studies by Grant Rootes²³ (2006) Wettenhall (1981)²⁴ and E R Ruzicka's (2016)²⁵ in the generally troubled history of Tasmanian local government. The emphasis here is on poor funding from the central government and the persistence of British cultural influences while also noting the rarity of rigorous intellectual study.

¹⁹ Bligh Grant & Joseph Drew, *Local government in Australia: history, theory and public policy*, Springer Nature Singapore, 2017, pp 1-26, 64-65

²⁰ R J K Chapman & Michael Wood, *Australian local government: the federal dimension*: George Allen & Unwin, Sydney; 1984, Bowman, Margaret, *Local Government in the Australian States*, Australian Government Publishing Service, Canberra, 1976, 'Local Government in Australia' in: *Local democracies: a study in comparative local government*, Margaret Bowman & William Hampton eds, Longman Cheshire, Melbourne, 1983; D M Purdie, *Local government in Australia: reformation or regression*, The Law Book Company, Sydney, 1976; R J K Chapman & Michael Wood, *Australian local government: the federal dimension*: 1984, p19

²¹ Margaret Bowman, 'Local Government in Australia' in: *Local democracies: a study in comparative local government*, Margaret Bowman & William Hampton eds., Longman Cheshire, Melbourne 1983, p165

²² Judy Mc Neill, 'Local Government in the Australian Federal System, in: Brian Dollery & Niell Marshall eds. *Australian local government: reform and renewal*, MacMillan Education Australia, South Melbourne, 1997, p18-19

²³ Grant Rootes, 'A chaotic state of affairs: the permissive system of local government in rural Tasmania 1840 – 1907', Phd Thesis, University of Tasmania, Hobart, 2008, 1

²⁴ R L Wettenhall, 'Towards a reinterpretation of Tasmania's local government history', *Journal of the Royal Australian History*, 67 1981-2 102-118

²⁵ E R Ruzicka, 'A political history of Tasmanian local government: seeking explanations for decline' Phd., Thesis, University of Tasmania, 2016

The Tasmanian local government system of the nineteenth century is one of our oldest and most closely resembles its British counterpart. It has been dubbed by Rootes as ‘chaotic’ without system and without adequate services relying heavily on the central government treasury. Similarly, Ruzicka argues that it bears a strong resemblance to their British counterparts with the domination of local land owning ‘squire-aucracies’ proving to be an impediment to the effective creation and operation of modern facilities such as roads and bridges. This ‘chaotic’ situation contrasts with the establishment of Victorian local government and the relatively rapid establishment of roads, bridges, paving, sanitation and other services especially in Ballarat West.

The ‘ancillary’ explanation therefore, omits notable exceptions as is pointed out in a 1981 government study,²⁶ that some municipal corporations were established independent of the central government initiatives citing the early examples of Melbourne and Geelong which existed before the separation of Victoria from New South Wales. Added to this are examples of other communities in regional Victoria such as Ballarat West founding successful municipalities by taking advantage of the ‘permissive’ legislation of 1854. It is argued, as it is also in this thesis, that these could be attributed to the specific conditions on the goldfields

²⁶ John Power, Roger Wettenhall and John Halligan, ‘Overview of local government in Australia, in: *Local government systems of Australia (Advisory Council for Inter-Governmental Relations Information Paper No 7)* Australian Government Publishing service Canberra, 1981, p9-10

and a strong ‘commitment of the early Victorian settlers to the voluntarist principle of social action’²⁷.

Therefore, from a voluntarist perspective, as Power et al (1981) argue, the role of local government is wider than service delivery but also includes economic development and that any discussion of specific functions should take place within this general framework.²⁸ Unfortunately, the voluntarist perspective in Victorian Local Government history has suffered from being generally overlooked particularly as a local response to modernity and rapid modernization in nineteenth century Colonial Victoria. With the exception of David Dunstan’s account of Victorian Local Government history and that of Melbourne specifically and Bernard Barrett’s account of the establishment of the Victorian system, most historians largely ignore the fundamental influences of modernity during this period in the creation of modern and rationalized urban living conditions²⁹. This is also overlooked in many of our local histories which instead highlight voluntarist action and progress. Nevertheless, few overtly attribute that progress to the municipal government and its leaders as an important engine driving most of it.

²⁷ Ibid, p11

²⁸ Power et al, Overview of local government in Australia, in: *Local government systems of Australia* (Advisory Council for Inter-Governmental Relations Information Paper No 7) 1981, p96

²⁹ David Dunstan, *Governing the metropolis: politics, technology and social change in a Victorian city: Melbourne 1850-1891*, Bernard Barrett, *The civic frontier: the origin of local communities and local government in Victoria*, Melbourne University Press, 1979

The most comprehensive works of the early history of Ballarat are W B Withers' *History of Ballarat*³⁰ and Weston Bate's *Lucky City*.³¹ Both histories have strong political themes that elaborate to some extent on the motivating influence of progressive British political movements such as Chartism on the leaders of early Ballarat. They also proclaim the contribution of civic-minded, commercial pioneers and their enterprises that built Ballarat into a great regional population centre. However, little credit has been attributed to the vision of the foundation members of the municipality.

Noticeably absent are any references as to how or why the Municipality of Ballarat West was formed. While generally noted, the work of people responsible for its inauguration such as J B Humffray and Robert Muir, is largely ignored by both Withers and Weston Bate. Just as importantly, is the omission from Dianne Langmore's contribution on J B Humffray to the Australian Dictionary of Biography, of the key role that he played in the establishment of the Ballarat West Municipality and the introduction of regional commerce and infrastructure during the 1850's³². Conspicuously absent from a colony wide perspective, is any credit given to the Government's policy of regional development and the role played in this by the encouragement of municipalities.

³⁰ W B Withers, *History of Ballarat and some Ballarat reminiscences*, First Published 1870, Published in Ballarat by Ballarat Heritage Services, 1999

³¹ Weston Bate, *Lucky City: the first generation at Ballarat 1851-1901*, Melbourne University Press, Melbourne, 1978

³² Diane Langmore, 'Humffray, John Basson (1824-1891)', *Australian Dictionary of Biography, Volume 4*, (MUP) 1972

Frank Cusack, however, underwrites the history of Bendigo with the ‘red ribbon’ movement and links the need for local services with the neglect of the Gold Fields Commission.³³ He fails however, to take a wider or centrist view linking the formation of the Municipality with the central government’s role in regional development. This leaves the reader with an impression that progress was largely self-directed without any local or colonial government institutional influences.

Anne Beggs-Sunter however, makes many of these connections in her 1989 thesis on the life of James Oddie the founding Chairman of the Ballarat West Municipality, including the strong influence of non-conformist religious groups such as Wesleyan Methodists in the establishment of a liberal culture and social institutions in colonial Ballarat³⁴. Nicola Cousen’s recent thesis on the life of Dr James Stewart, a founding member of the Ballarat West Council³⁵ also incorporates the theme of Colonial Liberalism arguing that Dr Stewart’s non-conformist up-bringing as an Ulster Presbyterian provided a unique opportunity in the same vein as George Higginbotham to ‘build new institutions from the ground up and adapt British institutions to goldfields conditions’³⁶.

Peter Griffiths’ history of Buninyong and district devotes a chapter to local government but fails to place the establishment of the municipality within the

³³ Frank Cusack, *Bendigo: a history*. Heinemann, Melbourne, 1973

³⁴ Anne Beggs-Sunter, ‘James Oddie, (1824-1911) his life and the Wesleyan contribution to Ballarat’, MA Thesis, Deakin University, 1989

³⁵ Nicola Cousen, ‘Dr James Stewart: Irish Doctor and Philanthropist on the Ballarat Goldfields’, Phd Thesis, Federation University Ballarat Vic, 2017

³⁶ Ibid, p130

context of highly influential political and social events such as law and order which was a defining issue for local government in the district, and the developments that unfolded in Ballarat between 1854 and 1856 and in the Colony of Victoria itself.³⁷ Heather Holst's history of Castlemaine³⁸ completely ignores the story of the establishment of the local municipality. Nevertheless, the neglected but fundamental issue of land and the local politics surrounding it, is addressed in a chapter devoted to the importance of the miners' political agitation and the miner's right.³⁹

The issue of land and local government however, is addressed by Bernard Barrett in his history of local government in Victoria.⁴⁰ Barrett is one of the few who like H G Turner,⁴¹ takes an institutional perspective emphasising the need for central revenue to support new suburbs of Melbourne and regional towns and cities such as Ballarat. Barrett also stresses the importance of modern infrastructure such as telegraph and rail as essential elements in overtaking antiquated methods of communication and administration.⁴² Although his focus is mostly on Melbourne and Geelong, Barrett also emphasises that local government for regional centres such as Ballarat was part of a long-term vision

³⁷ Peter Griffiths, *Three times blest: a history of Buninyong and district 1837 – 1901*, Buninyong and District Historical Society, 1988

³⁸ Heather Holst, *Making a home, a history of Castlemaine*, Australian Scholarly Publishing, North Melbourne, 2014

³⁹ Ibid, 46

⁴⁰ Bernard Barrett, *The civic frontier: the origin of local communities and local government in Victoria*, Melbourne University Press, 1979

⁴¹ Henry Giles Turner, *A history of the Colony of Victoria, from its discovery to its absorption into the Commonwealth of Australia in two volumes*, Vol. II, Heritage Publications, Melbourne, 1904

⁴² Barrett op cit, 90-91

of the Colonial Government that had begun to look seriously at accommodating future expansion and decentralization since 1853.⁴³

This was not unlike Britain where the call for progress, especially in the cities, with movements such as Chartism, Owenism and the Anti-Corn Law free-trade movement, had limited success in achieving fundamental reform both local and nationally⁴⁴. However, on the goldfields particularly after 1856, the hope of progress, generally unachievable back home, was looking like a real possibility with the ability to own land, participate in politics and be at the forefront of economic and technical possibilities with the equity generated by real property made possible by gold. This was a generation that believed they were thoroughly modern having left the old country behind with its feudal origins, centuries of tradition and structural monopolies that continued to protect the interests of the elite.

⁴³ Ibid, 121-124 Chaired by Secretary Foster, the Select Committee for Local Funds in Feb 1854 made recommendations for uniform rules for municipal government and localities in the interior of which Ballarat was one.

⁴⁴ Briggs, Asa (1963), *Victorian cities*, Penguin Books, Harmondsworth (1968), Gurney, Peter (2015), *Wanting and having*, Oxford, Manchester University Press, especially chapter 4, also see Dorothy Thompson *The Chartists: Popular politics in the Industrial revolution* (Aldershot 1984) pp 341-68, thirty-eight such associations are listed (a conservative estimate)

Chapter Two: A Better England

Modernity, as Stuart Hall explains, is ‘the belief that everything is destined to be speeded up, dissolved, displaced, transformed, reshaped – a reinterpretation of the famous epigram coined by Marx in the 1850’s – ‘All that is solid melts into air’.⁴⁵ This is certainly what was occurring amongst the British working population as well as those of other European nations and kingdoms as technology and scientific advancement was forcing displacement amongst many traditional occupations⁴⁶. Studies such as I. J. Prothero’s into the ‘respectable trades’ and Chartism and Jennifer Bennett’s study of the London Democratic Society, reveal that many were casualties of ‘big capital’ and the division of labour that was occurring in the factories and in many other forms of production both new and traditional.⁴⁷

Artisans, sole traders, and mechanics who had lost their independent social status through the economics of mass production had turned to the politics of Tom Paine, and the cooperative theories of William Owen⁴⁸. We could also include here agricultural workers, small farmers and yeomen losing access to land through continued enclosures and modernisation of agricultural practices and

⁴⁵ Stuart Hall, ‘Introduction’, in Stuart Hall and Bram Geiben eds., *Formations of modernity*, p15

⁴⁶ Richard Broome, *The Victorians: Arriving*, Fairfax, Syme & Weldon Associates, McMahon’s Point NSW, 1984, pp 69-70

⁴⁷ I. J. Prothero, ‘London Chartism and the trades’, in *The Economic History Review*, Vol, 24 No. 2 (May 1971), pp 202-219; Jennifer Bennett, ‘The London Democratic Association 1837-41, a study in London radicalism’, in: James Epstein & Dorothy Thompson (Eds.), *The chartist experience, studies in working class radicalism and culture, 1830-1860*, MacMillan, London, 1982, pp55-60

⁴⁸ *ibid*

famine.⁴⁹ An intergenerational surplus of labour in the ‘corn heartland’ of the southern counties of England where wages had been depressed for at least forty years since the Napoleonic wars⁵⁰ as well as dispossessed agricultural workers and tenants in Scotland and Ireland in the 1850s saw many emigrating.⁵¹ From the 1830s societies like the Petworth Emigration Society in southern England worked to assist their fellows in re-establishing themselves in the colonies along with philanthropists like Caroline Chisholm.⁵²

Many of these ‘casualties’ of modernity came to Australia to seek their fortunes, acquire land and regain their lost independence. Statistics presented by Geoffrey Serle are indicative: from 1854 to 1860 unassisted migration shows 62,310 adult males with declared occupations as commerce, professional, skilled trades and agriculture out of a total number of 100,000⁵³ with the significantly higher number of artisans in this period noted. For assisted migrants however, the effect of displacement on the unskilled is shown to be even more drastic with total of about 90,000 from the United Kingdom in the decade from 1851-1861 made up of 45,000 domestic servants, 30,000 agricultural labourers, 9000 mechanics and a fewer number of tradespeople.⁵⁴

⁴⁹ J D Chambers & G E Mingay eds., *The Agricultural revolution 1750-1880*, 1979, pp 137-147

⁵⁰ *ibid*

⁵¹ Croggan Janice, *Strangers in a Strange Land*, Phd. Thesis, Federation University Ballarat, 2002, Richard Broome, *The Victorians: Arriving*, pp 69-81

⁵² J D Chambers & G E Mingay eds., *The Agricultural revolution 1750-1880*, 1979, p146

⁵³ G R Searle, *The Golden Age, A history of the colony of Victoria 1851-1861*, Melbourne University Press, 1977, *ibid*, Appendix 3, Unassisted Migration, pp 386, see also Janice Croggan ‘Strangers in a Strange Land’, Phd. Thesis, Federation University Ballarat, 2002, p254-256

⁵⁴ Richard Broome, *The Victorians: Arriving*, p72

In 1855 to 1857 in Ballarat West as more town land began to be released for sale, a growing number of these immigrants attained their goals of land ownership and creating a fairer society. This is borne out by an examination of the rate records for that year where this is indicated with over 90% private ownership and the low figure of 0.08% for private rentals.⁵⁵ This was a significant achievement that did not come without vigilance and a struggle as attempts to recreate monopolies of all kinds were strenuously resisted. The way forward for this new society therefore was viewed as the unhindered adoption of modern, liberal and progressive ideals derived from the enlightenment period that had emerged over the earlier two centuries.

Without an impenetrable class system,⁵⁶ highlighted so eloquently by Samuel Smiles in his 1859 best seller *Self Help*⁵⁷ it was a belief held by many in the 1850's that despite its shortcomings, the British social and political system with its more liberal character was superior to those in the rest of Europe. This was a view held and espoused by future Prime Minister Lord Alfred Cecil after his tour of the goldfields where he was highly impressed by the orderly and self-regulatory behaviour of the predominantly British population.⁵⁸ It was also a belief that did not dissipate over time as the virtues of the British system were

⁵⁵ Appendix I, page 187-8, and VPRS 7260 P0002 Rate Assessment Books 1856-1857

⁵⁶ See: Julia Smith, 'Land Ownership and Social Change in Late Nineteenth-Century Britain' in: *The Economic History Review, New Series*, Vol. 53, No.4 (Nov 2000) pp 767-776 Smith's statistical analysis shows a strong correlation between new money and growing numbers of landed elite during the nineteenth century.

⁵⁷ Samuel Smiles, LL.D., *Self Help, with illustrations of conduct and perseverance*, First Published 1859, Popular Edition, John Murray, London, 1897

⁵⁸ *Lord Robert Cecil's Gold Field's Diary, with Introduction and notes by Professor Ernest Scott*, Melbourne University Press, Melbourne, 1935

extolled and toasted in 1872 at the inaugural meeting of the Ballarat Pioneers Association. The success of founding a liberal society was viewed by all as the outcome of the ‘liberties and laws of that glorious old land that most of the pioneers were proud to call their fatherland’.⁵⁹ However, the ‘British system’ in the mid nineteenth century was far from perfect and despite the social disruption caused by modernisation and a growing adoption of liberal and enlightenment ideas and values, old structural monopolies unlike occupations were proving to be a difficult obstacle for reformers to overcome.

As David Cannadine points out, with each shift in society and culture as the modern age developed, many of the upper classes reinvented themselves and their roles in society embracing new technology and modernity, using their land as collateral for railways and other industrial enterprises.⁶⁰ With a growing number of industrialists joining their ranks, the elite supplied jobs, housing, social activities and new skills to a new, dependent and often grateful generation.⁶¹ This was despite the growing power of liberal non-conformists during the Victorian era and politicians acting more as delegates as movements such as Chartism, free trade, and an increasingly independent fourth estate,

⁵⁹ *The Ballarat Star* Tuesday, August 27 1872, The Ballarat Pioneers, page 2

⁶⁰ David Cannadine, *Class in Britain*, p65; David Spring, ‘English Landowners and Nineteenth Century Industrialism’, in *Land and Industry: the landed estate and the industrial revolution*, a symposium edited by J T Ward and R G Wilson, David & Charles, Newton Abbott, 1971, pp15-62

⁶¹ Patrick Joyce, ‘The factory Politics of Lancashire in the Later Nineteenth Century’, in: *The Historical Journal*, Vol. 18, No. 3 (Sept. 1975), pp 525-553

brought pressure to bear.⁶² At its source, power continued to be based on the traditional pillars of land ownership and occupancy and the established church rather than natural rights⁶³.

While freehold opportunities and commensurate political representation were not unusual in places like Leeds, Birmingham and Manchester for example, the aristocracy continued to maintain ownership over large parts of the country as the towns and cities expanded into their estates⁶⁴. In some cases, whole suburbs of London and towns like Barrow, Bath, Brighton, Eastbourne, and Edgebaston were owned and developed by Lords of the Realm who exercised a significant influence in industry and development and the residential constituency both local and national⁶⁵. This was the ‘old fogeyism’ that many came to escape.

In the Australian colonies, deprived of its ‘natural enemy’ as Stuart Macintyre puts it, liberalism unhindered by the structural inequality of Britain, ‘acquired a

⁶² Alan Sykes, *The rise and fall of British Liberalism 1776-1988*, Addison Wesley Longman, Edinburgh Gate, 1997, pp 46-68; Cheryl Schonhardt-Bailey, *From the Corn laws to free trade: interests, ideas and institutions in historical perspective*, The MIT Press, London, 2006; Brown Lucy, “Chartists and the anti-corn law league”, in Asa Briggs ed., *Chartist studies*, Macmillan, London, 1959; James A Epstein, *Radical expression: ritual and symbol in England 1790-1850*, Oxford, University Press, New York, 1994.

⁶³ F M L Thompson, ‘Land and Politics in England in the Nineteenth Century’, in: *Transactions of the Royal Historical Society*, Vol 15 (1965) pp 23-44, J V Beckett, ‘The Pattern of Land Ownership in England and Wales, 1660-1880’, in *The Economic History Review*, Vol. 37, No.1, (Feb 1984) pp 1-12, David Cannadine, *Class in Britain*, Penguin Books, London, 2000, 73, also W D Rubenstein, ‘Elites and the Class Structure of Modern Britain’, in: *Past & Present*, No.76 (Aug. 1977), pp. 99-126 for a statistical analysis that shows the overwhelming number of million and half-millionaires among the land-owning elites, and pp73-103

⁶⁴ David Cannadine, ‘Urban development in England and America in the nineteenth century: some comparisons and contrasts’, in *The Economic History Review*, New Series, Vol 33, No 3 (Aug. 1980) pp 309-325; Derek Sayer, 1992, p1410

⁶⁵ David Cannadine, *Lords and landlords: the aristocracy and the towns 1774-1967*, Leicester University Press, 1980, F M L Thompson, *English landed society: in the nineteenth century*, Routledge & Keegan Paul Ltd, London, 1963, J T Ward and R G Wilson (eds.), *Land and industry: the landed estate and the industrial revolution*, David & Charles, Newton Abbot, Devon, 1971

new energy.’⁶⁶ It certainly impressed Alexis de Toqueville when he first saw the progress of immigrants to the new world ‘cutting their institutions like their roads in the midst of the forests where they have just settled.’⁶⁷

Likewise, in the Australian colonies, as Gascoigne explains, the project of modernity could be more easily implemented as

the Enlightenment’s ideal of a state which could deal with the individual citizen without the interference of privileged orders such as the church, the aristocracy or guilds, was largely realised in the character of the Australian state. ... Through the outcome of many influences and traditions, the character of the Australian state and politics indicates the extent to which the political ethos of the Enlightenment could flourish in a landscape where the hold of its traditional adversaries, the Established Church and the aristocracy was weak.⁶⁸

While Gascoigne writes in hindsight, in the present of the mid 1850’s, there was a widely held understanding that these progressive values should be laid down as founding principles.

The *Age* thus reported in October, in the lead up to the first election for the Legislative Assembly in 1856:

that with so many of the real friends of progress watching over our interests no time should be lost in rendering to the colony, that protection and encouragement ... ought to be granted to the scientific and ingenious ... This is particularly desirable in a new country like this where improvements are so much wanted, but where the same field is not available as in England for their development and little encouragement ever extended towards their authors ... when no valuable idea will be lost to the country merely because its author happens to be a poor man.⁶⁹

⁶⁶ Stuart Macintyre, *A Colonial Liberalism*, p12

⁶⁷ *ibid*

⁶⁸ John Gascoigne (with the assistance of Patricia Curthoys), *The enlightenment and the origins of European Australia*, Cambridge University Press, Melbourne, 2002, p69

⁶⁹ *The Age* (Melbourne) Friday October 24 1856, The Requirements of Progress page 4.

The Argus in a similar manner was calling for ‘rational government’ declaring that ‘the day has gone by for tolerating arbitrary laws, arbitrary legislators, or arbitrary judges. They are required to conform to reason and justice.’⁷⁰

The drafting of the new constitution in 1853 and 1854 with its liberal character was positively received by the press offering hope that it was an opportunity for a new beginning and to avoid the social problems back home. *The Argus* praised the government for its congruence with the ‘spirit of the age’ and its liberal outlook. *The Argus* thus reported on the Committee on the new Constitution in January 1854, almost twelve months before the events at Eureka

Mr Secretary Foster adopts an extremely liberal and philosophical tone. ... The Committee he says ‘unanimously concurred in thinking that the social condition of this colony renders a close assimilation to certain British institutions impossible, and that an attempt to imitate them is likely not only to fail but to introduce the evils without the advantages experienced from them in England. ... Being convinced that nothing could be more impolitic than to legislate against the spirit of the age – viewing the universal tendency throughout the world towards the spread of popular institutions.’⁷¹

The impossibility of reproducing the social conditions of Britain was no more obvious than on the goldfields. This was based on a widely held aversion to the ‘old fogey-politics’ of class and privilege or as it was also labelled on the goldfields – ‘Toryism’ along with all the negative connotations that it generated. This was an essential part of the politics of J B Humffray declaring his position on liberalism and free trade, as he stated in his candidature speech at Ballarat for the Legislative Assembly in 1856:

⁷⁰ *The Argus*, (Melbourne) Friday September 15 1854, A Rational Government, page 4

⁷¹ *The Argus (Melbourne)* Wed 4 Jan 1854, The New Constitution, page 4

It is true in my earlier days I have at home taken a share in politics and played the part of a humble village Hampden in denouncing unjust taxation; but protection was too strong for my puny arm ... I think the members of the goldfields have removed the cobwebs from the eyes of old fageyism.⁷²

This was also clearly expressed by large rallies during 1857 when the popular O'Shanassy government was deposed. With the successful motion of no confidence led by squatter representative Thomas Howard Fellows in April 1857, the report in the *Age* of the rally in response at Ballarat reveals some of this deep-seated feeling as conveyed by Mr Dunne and the other speakers:

We have come out 16,000 miles to avoid this Toryism and old fageyism and are we to meet with it again?⁷³

And in describing Michie, Haines, Fellows and their associates he continues: 'It is because they are out-and-out Tories of the oldest Tory school.'

Mr Cope (lawyer) as the next speaker spoke for most when he commented:

... after all even the best of us have no religion at all, so we need not fight about it. So long as the heart is in the right place I do not care whether a man be Jew gentile, or crocodile - (laughter) - it does not matter which. If a man only votes right, ... he'll be a man after my own heart and that's the way with most of us.

In the *Ballarat Times*, Fellows was branded with the mark of Toryism along with the people he represented – 'the squatter lords' and deemed 'the champion of squatter intolerance and monopoly.'⁷⁴ C F Nicholls also spoke for all when he also declared in December 1856 at a large rally for the formation of the People's League:

⁷² *The Age (Melbourne)* Friday April 18, 1856, 'Ballarat' page 3

⁷³ *The Age (Melbourne)* Thursday April 30, 1857, The Ballarat Demonstration, page 6

⁷⁴ *The Age*, Tuesday, April 21st, 1857, The Opinions of the Country, page 5.

We would tell the Governor ... that we did not come 16000 miles to live under the same mal-arrangements as at home. Our duty was to leave the country better than we found it, whether we left it to go home again or to lay down in the cold graves of Australia.⁷⁵

The modern and progressive philosophy behind the development of Ballarat however, could be best encapsulated by the hugely ambitious project to develop the deep leads of Ballarat South. named ‘The Amalgamated Committees of Management Appointed by the Miners of Frenchman’s and Whitehorse Leads for the Effectual Working of the New Regulations.’⁷⁶ This ambitious undertaking launched local mining and its methods into the modern era, drawing together the latest ideas of financing, technology and commercial acumen. Conceived by the local Miners’ Court and as a direct outcome of ‘the Eureka Stockade Movement’⁷⁷, it was, despite initial resistance from the defenders of ‘individual’ mining⁷⁸, widely accepted due to the enthusiastic promotion by Mr James Baker after whom the scheme was known: ‘the Frontage or Bakerian System’⁷⁹.

⁷⁵ *The Star*, Tuesday, December 9 1856, page 1, The Governor’s Speech.

⁷⁶ *The Star*, Ballarat, Wednesday January 9 1856, page 3, ‘Ballarat: Public meeting at Magpie, *The Star*, Ballarat, Friday May 30 1856, page 3, Correspondence: The Bakerian System; *The Star*, Ballarat Thursday September 4 1856, page 2, ‘Frenchman’s and Whitehorse Leads’

⁷⁷ See appendix vii

⁷⁸ *The Star* Ballarat, Friday April 26 1856, page 5, ‘Serious Riots at Ballarat’

⁷⁹ See appendix I, page 189



Fig.1 1856 Survey map with details of companies, claims and relative positions on the Whitehorse, and Frenchman's Leads to the South of Ballarat located in present day Sebastopol and Magpie: Lithographed at the Surveyor General's Office, January. 29th 1857, by J. Jones. SLV, Vale Collection. Melbourne: Surveyor General's Office, 1857

It ushered in a new age of mining as the old methods of 'pot luck' and 'shepherding' that arose under the administration of the Goldfields Commission no longer worked where knowledge of blasting, drilling and other mechanized methods were needed. It required a new approach that incorporated technology

and co-operation, something that the old claim and licensing system was incapable of dealing with. However, for those proponents of the new system such as James Baker and other leaders on the Miners' Court, it also represented the values driving the new society that they were in the process of creating. This is exemplified by Baker at the meeting to launch The Industrial Institute in November 1856. The purpose he stated was

to be more than just a mere show for the day, but something more substantial so that the resources of the district might be developed. It would also be for the 'purpose of exhibiting productions of art and science tending to promote the mining, manufacturing, agricultural and general interests of the district. ... It would he hoped 'be a point where they could all meet and forget to differ. In this country ... labor and industry were the passports to wealth and honour. A Coningsby no longer considered it to be a disgrace to associated with a Millbank, and the aristocrat thought it the greatest honour to be allied to the manufacturer's daughter.⁸⁰

Mr Cope the lawyer seconded the proposal giving a very entertaining and humorous speech on machinery and social change and the benefits of new skills and occupations that it would bring. It was thus a recognition that class was not an issue in the new society they were actively creating but status would be based on hard work and the ability to acquire professional skills in technology, science and the arts.

This promising future for Ballarat envisioned by Baker was embraced by most with even the most radical and revolutionary amongst them getting personally involved. H R Nicholls particularly appeared to have set aside his socialist and physical force leanings, embracing the new opportunities with enthusiasm. His

⁸⁰ *The Star*, (Ballarat) Saturday 1 November 1856, Ballarat Industrial Institute, page 1

enterprise at White Flat in 1856 was described as ‘perhaps the greatest mining operations ever performed in this colony.’⁸¹ Designed to solve the water problems involved in local deep sinking enterprises, the Yarrowee was tamed with a series of dams and channels constructed with the labour of 75 men for six weeks along with two steam engine pumps that worked around the clock.⁸²

This freedom of opportunity which enabled Chartists and socialists such as H R Nicholls to become entrepreneurs on such an impressive scale was made possible not only by an ‘anti-Toryism’ stance but also by a strong position against monopolies. This more than anything else characterised to the miners of the 1850s, what Toryism was. Back in Britain it was the monopoly in the political system, the harsh half century under the oppressive tariffs of the Corn laws and the lack of access to land-ownership and political power. Any hint of it re-appearing on the goldfields therefore was steadfastly resisted. In the Ballarat District, such outrage was directed specifically at two substantial landowners and squatters, Jock Winter, and W J ‘Big’ Clarke who sought to exploit local miners by schemes to entice them to prospect on their land, paid for by a share of any discoveries.⁸³

As mining began to become increasingly mechanised during 1856 cries of monopoly in conjunction with the evils of capital began to be heard elsewhere. A

⁸¹ *The Star* (Ballarat) Saturday, September 6 1856, ‘White Flat Mining and Drainage Company’

⁸² *Ibid.*

⁸³ *The Star* (Ballarat) Thursday 30 October 1856, page 2, Mining

meeting in Ballarat on 2 August 1856 opposing this development was condemned in the *Ballarat Star* while the *Mount Alexander Mail* editorial as reprinted in the *Ballarat Star*, compared the opposition of the ‘individual miner’ to machinery to winding back the clock and making all lands common and the chaos and detriment it would bring to modern agriculture.⁸⁴ The editorial however, praised the use of machinery as a weapon against monopoly bringing benefits to the many and denying the unfairness of rewards to the lucky few ‘individual miners’ which characterised the surface mining period which was drawing to a close.⁸⁵

The solution to such turmoil was the focus on progress and the liberal application of legislation to establish a society where liberalism could flourish. This was most appropriately expressed by John Fitzgerald Leslie Foster (son of a Tory) regarding the elections for the new Victorian parliament in 1857:

Here ... we had nothing to preserve, and nothing to destroy. We landed on a naked shore to form, to found, to create.⁸⁶

And put just as succinctly by Attorney General George Higginbotham as reported in the *Argus* 5 January 1858:

A man for the times must lead the way – must know how to build the great edifice – must be in reality, not in name, a liberal.⁸⁷

⁸⁴ *The Star*, Ballarat, August 12 1856, page 4, Capital in Mining

⁸⁵ *The Star*, August 7, 1856, page 4, Machinery in Mining

⁸⁶ Stuart MacIntyre, *A colonial liberalism: the lost world of three Victorian visionaries*, 12

⁸⁷ *ibid*

There was no doubt that this concept was behind the growing size and commercial diversity of the Ballarat Township. This was also the political ethos behind the main movers and shakers for the Ballarat district in 1855 and 1856 – J B Humffray the elected representative for North Grant and Robert Muir for the Ballarat West Municipality. J B Humffray, despite being elected the member of North Grant in September of 1856, was able to successfully negotiate the varying shades of grey to promote the locality of Ballarat in general. This often involved representing the interests of constituents in Peter Lalor's seat of North Grenville, many of whose constituents resided in the new municipality of Ballarat West. Portrayed by Carboni as a consummate politician with wide appeal, Humffray wasted no time after the Eureka incident making solid connections early, well before his election to the Legislative Assembly⁸⁸. He made wide connections, with the progressive miners south of Ballarat and both their Main Road and township supporters and the township commercial establishment. He was also invested personally in partnership with his brother as co-owner of a bookshop on Main road⁸⁹ as well as owning property in Doveton Street on the township and his house on Main Road.⁹⁰

Main Road merchant, W B Rodier declared he 'rejoiced in the return of Mr Humffray as he felt concerned that he would do all in his power to advance the

⁸⁸ Carboni Raffaello, *The Eureka Stockade; the consequence of some pirates wanting on the quarter-deck a rebellion*, Carboni Raffaello, Melbourne, 1855, p32

⁸⁹ Anne Beggs-Sunter, "Eureka: Birth of a nation?" P33

⁹⁰ Ballarat Rate Assessment Book 1856

commercial prosperity of Ballarat.’⁹¹ Humffray with his platform of local and regional development as Quaife concluded from his study of the 1856 election, reflects the dramatic shift that had occurred from the early 1850’s where ‘a nomad population hungry for political reform ... was replaced by a settled populace hungry for jobs, roads and bridges.’⁹²

This is the reasoning behind the introduction of the Municipal Institutions Act in 1854. It was designed to encourage economic development and the growth of modern infrastructure throughout the colony, not just in Melbourne and Geelong but like their Canadian counterparts, promoting the ‘true development’ of the colony of Victoria.’⁹³ The introduction of the bill was not underestimated nor taken lightly as it was believed, according to the Surveyor General, that its passing would ‘alter the state of society and of local government in the country.’⁹⁴

⁹¹ *The Star* (Ballarat) Saturday, November 1 1856

⁹² G R Quaife, The Diggers: ‘Democratic Sentiment and Political Apathy’ in: *The Australian Journal of Politics and History*, Vol, 13, Issue 2 August 1967, pp221-230

⁹³ *The Argus* (Melbourne) Thursday October 19 1854, The legislative Council, page 4

⁹⁴ *ibid*

Chapter Three

Local Government: Britain and the Goldfields

The transition to modern representative local government in Britain and in the colony of Victoria both follow a similar troubled path during the 1850s. Much of the trouble surrounded meeting the cost of much-needed infrastructure as the population rapidly expanded. In Britain ancient closed corporations were ill-equipped for the task as were the Roads Boards in Victoria in the early part of the decade with strong and widespread resistance to rates to cover road and sanitary works.⁹⁵ Local Government with the power to levy rates was thus viewed as a solution with the troubled re-organization of the Melbourne City Council beginning in 1854 and culminating in the Municipal Institutions Establishment Act at the year's end⁹⁶.

For Britons however, the concept of local government being a provider of public services and facilities was a significant departure from the historical understanding of the role of British municipal corporations before the early nineteenth century and the series of transforming reforms that were enacted from 1835. From the time of Elizabeth 1 until the British Municipal Corporations Act of 1835, the only experience many Britons had with local government was the ancient model with its centuries of culture derived from the feudal system. Such

⁹⁵ Bernard Barrett, *The civic frontier*, pp84-90

⁹⁶ Ibid, pp123-125

local corporations did not exist primarily for the local residents but to further the aims of the corporation in the management and control of local commerce and other mandated affairs such as poor relief. These corporations should not be confused with those based on the Municipal Corporations Act of 1835.

The concept on which they were based was much older dating into the mists of time where for localities with no overlord, an annual sum or *firma burgi* was paid to the King to guarantee freedom from all other claims, leaving them to conduct their own (usually commercial) affairs with their own unique conditions recognised in a charter or contract of incorporation of local notables that was recognised in law.⁹⁷ Over time this system had grown in number and complexity to include 246 towns and cities by 1835 when the new Municipal Corporations Act was passed. It was a necessary change, designed to meet the needs of urban existence and to correct a system moulded or corrupted as Jenks explains, by royal dynasties and the parliament as they vied for effective control of the country.⁹⁸

For many old corporations in urban centres like Bristol, the 1835 reform act was essentially a threat to their existence as power was effectively given to ratepayers to elect representatives to manage the city. As owners and administrators of its own assets for centuries however, municipal corporations pre-1835 had not been

⁹⁷ Edward Jenks, *An outline of English local government*, Methuen & Co, London, 1894, p189

⁹⁸ *ibid*

answerable to the local population. The attitude of the Bristol corporation in the words of its council members, is described by Bush, a local historian:

As an essentially private body our first charge is to administer our inherited assets and affairs as we deem fit, not subject to outside scrutiny or external direction ... the public have no legitimate access to either our deliberation or our funds ... But ... provided our rights are not at risk, we will endeavour to promote the city's interests. It must be expressly understood that we reject the notion of being answerable to any body of people except than ourselves.⁹⁹

Much of the revenue in question collected and administered by pre-reform corporations related to tolls and charges from other infrastructure assets like dockings, harbours, bond stores, turnpikes and canals etc with the profits supporting the poorhouse system and other private enterprises like gas and water supply companies related to the corporation.

Nevertheless, the transition into modernity during this period was facilitated to a large extent by an expanding middle class. An increasing number of small businessmen as well as an associated growth and authority of non-conformist religious groups with a new civic consciousness were becoming highly influential. One of the early preachers of this new civic gospel was George Dawson of Birmingham who was instrumental nationally in promoting the spread of public facilities like schools, libraries and other public services as a religious as well as a civic duty.¹⁰⁰ Statistics gathered by Hennock for 1851 show that the extent of non-conformist affiliation ranged from 18.3% in Liverpool to

⁹⁹ Derek Fraser, *Power and authority in the Victorian city*, St martin's Press, New York, 1978, P113

¹⁰⁰ E P Hennock, *Fit and proper persons: ideal and reality in nineteenth century urban government*, 1973 pp 61-79 and Derek Fraser, *Power and authority in the Victorian city*, p 102-106

45.5% in the manufacturing town of Bradford indicating a huge nation-wide drop in support for the old church-state power nexus that had prevailed for centuries.¹⁰¹

This new urban and often non-conformist approach to civic life was also supported locally by a growing liberal outlook during the mid-nineteenth century. The composition of the Birmingham Municipal council for example, reflects this with an increasing diversity of middle-class occupations such as solicitors, lawyers, doctors, accountants and small business proprietors who in most cases during the 1850's held a majority.¹⁰²

However, this was not without its problems. For a large part of the 1850's after legitimisation was won in the courts by new corporations, many large landowners and their supporters withdrew into projects of their own making choosing to develop separate estates and townships like Lord Calthorpe's Edgbaston in Birmingham and the Dukes of Devonshire and Brighton for example. This then provided opportunity for small business proprietors such as Joseph Allday, a Chartist and radical who ran an 'economist faction' in Birmingham from 1853 to 1859.¹⁰³ While keeping rates and costs low, Allday and his followers also reflect the lack of individual landowners and ratepayers with sufficient wealth to fund vital public works for water supplies and sanitation

¹⁰¹ Hinnock, *Fit and Proper Persons*, p357

¹⁰² Ibid, table 15 Leeds Town Council 1852-76 selected occupations

¹⁰³ Ibid page 31-34

for crowded working-class tenements. This had the effect of delaying the fundamental changes to meet the needs of expanding populations. Instead, it continued the practice of resorting to the national government through the local member for separate acts of parliament for facilities management.

This led to questions on local government autonomy during the mid-nineteenth century as its role in a modern society was seriously questioned. Rather than incorporate the services under separate acts into local government, a ‘modern and scientific’ approach advocated by Utilitarians such as Jeremy Bentham and his followers sought to have these functions centralised. The case for a ‘modern’ local government was taken up by localists such as Joshua Toulmin-Smith who took the fight to centralizers like Edwin Chadwick in the 1840s and 1850s.¹⁰⁴

Chronicled by Beatrice and Sydney Webb in their early twentieth century series on English local government the reader becomes increasingly aware of the need for fundamental reform and rationalization of functions particularly in the regional areas of England where autonomy was highly valued.¹⁰⁵ Polarised

¹⁰⁴ Ben Weinstein, “Local Self-Government is true socialism: Joshua Toulmin-Smith, the state and character formation”, *The English Historical Review*, Vol. 123, No. 504 (Oct.2008) pp 1193-1228; Joshua Toulmin-Smith, *Local Self-Government and centralization: the characteristics of each; and its practical tendencies, as affecting social moral and political welfare and progress, including comprehensive outlines of the English Constitution*, John Chapman, London, 1851; Joshua Toulmin-Smith, *Local Self-Government unmystified, a vindication of common sense, human nature and practical improvement, against the manifesto of centralism put forth at the Social Science Association*, London, 1857; Lewis R A, ‘Edwin Chadwick and the public health movement 1832-1854’, Phd. Thesis unpublished, University of Birmingham, 1949, Anon, *Engineers and officials: an historical sketch of the progress of "health of towns works" (between 1838 and 1856) in London and the provinces: with biographical notes on Lord Palmerston, the Earl of Shaftesbury, Lord Ebrington, Edwin Chadwick, C.B., F.O. Ward, John Thwaites*. 1856. London: E. Stanford

¹⁰⁵ Webb, Sidney and Webb, Beatrice and Ponsonby, G. J. *English local government. Vol. 5: The story of the King's highway*. Cass, London, 1963

debates such as this highlight the difficulties involved in establishing modern municipalities in Britain after the Municipal Corporations Act of 1835.

The new law, as the Webbs argue, was nothing short of a revolution, marking the beginning of a new era. Nevertheless, it was not until the end of the nineteenth century that modern and autonomous local government was finally established as Mackenzie reminds us, with the Municipal Corporations Act of 1882 granting powers to form bye-laws and acquire public property.¹⁰⁶

In Australia however, local government began without a pre-existing network of towns and cities – an inverse process to that of Great Britain but as the population expanded into the interior, tension between local and central administration developed especially in Victoria with the gold rushes of the 1850's. Ordained from the central government for many years in NSW and Van Diemen's Land, the local authority rested with the police magistrate, usually a local landowner of independent means, who oversaw all the legal and criminal arrangements within a prescribed district.¹⁰⁷

This situation existed, particularly in NSW until the NSW Municipalities Act of 1858 and beyond, as many towns and localities preferred to continue the funding for works from the NSW treasury and its indirect but guaranteed stream of

¹⁰⁶ Albert Shaw, "Municipal Government in Great Britain". *Political Science Quarterly*. The Academy of Social Science. 4 (2) 197-229, J P D Dunbabin, "British Local Government Reform: The Nineteenth Century and After", *The English Historical Review*, Vol. 92, No. 365, (Oct 1977) pp 777-805, WJM Mackenzie, *Explorations in government, collected papers*, p71

¹⁰⁷ John Hirst, *The strange birth of colonial democracy*, 244-246

indirect taxation.¹⁰⁸ The resistance against the imposition of rates in NSW was very widespread and because the central government had no army at war, funds were much more readily available for local works than they were in Britain. Hence, as Hirst explains, the central government of NSW rather than local councils, was able to initiate and control services such as education and law enforcement, maintaining this system until well into the 1860's.¹⁰⁹

Similarly, in Victoria before the gold rushes, the forms of local government first established in Melbourne in 1838 and Geelong in 1841 in Victoria were subject to the Town and Country Police Act and the management of Towns Act following the model established in NSW and Tasmania¹¹⁰. The relative districts were staffed by a Police Magistrate and a clerk with relatively undefined and discretionary powers ruling in much the same way as the early colonial administrators.¹¹¹ Thus, their duties encompassed almost all community activity where legalities or record keeping was required such as census, crimes, licensing, and arbitration and enforcement of regulations such as traffic, sanitation and commerce.

An important development as traffic increased after separation from NSW was the formation of the Roads Board. Established in 1853 it became the main

¹⁰⁸ Ibid, 262

¹⁰⁹ Ibid, 264

¹¹⁰ Bernard Barrett, *The civic frontier*, p17

¹¹¹ Sir George Frederick Verdon, *The present and future of municipal government in Victoria*, 10

vehicle for establishing main roads throughout the colony with treasury funds and the imposition of tolls replacing the old District Councils that had ceased to function¹¹². This effectively cemented the authority of the central government as the arbiter and dispenser of funds for local services such as roads removing the direct involvement of local land-owners and residents despite attempts to create district offices in places like Warrnambool for example¹¹³. Thus, when the goldrushes began in earnest after 1851, the centralization of government had become just as entrenched as that of NSW – a new and growing problem of governance for Victoria as large numbers began moving into the interior in search of gold.

Sir George Frederick Verdon was prominent in Municipal Government in the 1850's as a member of the Williamstown Council, a municipal magistrate and Chairman of the Conference of Municipal Delegates that sat in 1856 and again in 1858. His pamphlet published in 1858¹¹⁴ links the events of Eureka and disturbances and protests elsewhere on the goldfields to incompetence and lack of relevance of the Gold Fields Commission and its Melbourne-based authority which assumed pre-eminent power wherever its officers were placed. Thus, police and other officers that would have ordinarily been deployed in the management of the town monitoring and enforcing customs and regulations were

¹¹² Bernard Barrett, *The civic frontier*, pp84-90

¹¹³ Ibid, p89

¹¹⁴ Ibid

employed in Goldfields duties such as license collection and claim monitoring and arbitration, effectively hindering the development of normal civic processes as occurred in Melbourne and Geelong.

In quoting British politician Sir E. Bulwer Lytton, he makes his position on centralization clear:

... to true liberty and permanent order Centralization is deadly poison. The more the provinces govern their own affairs, the more we find everything, even to roads and post horses are left to the people, the more the municipal spirit pervades every vein of the vast body, the more certain we may be that reform and change must come from universal opinion ...¹¹⁵

George Verdon takes this concept further, especially regarding the gold fields and their management in the mid – 1850's. His argument is that the 'responsible local governments' established in Melbourne and Geelong were the correct and expected response to the development of the permanent towns of Victoria.

However, on the gold fields, he points out, this process was halted because of large numbers of people, the lack of settled populations and the 'chaotic state into which the community was precipitated ...'¹¹⁶

This state of affairs, as Verdon explains, led a return to 'the old system of irresponsible government.' In each district the Commissioner ruled with almost absolute power 'like a mandarin of the celestial empire.' Unlike the magistrates and their designated districts, the Gold Fields Commissioners had to make and

¹¹⁵ Ibid, 4

¹¹⁶ Ibid

administer the laws specific to mining but made no allowances for the ‘peculiar requirements of a mining community.’¹¹⁷ And in conjunction with autocratic methods in conceiving and enforcing the rules and regulations it was no surprise that it ended in disaster. As Verdon comments:

The establishment of local courts and mining boards has been the practical result of experience, obtained in the saddest and most costly way, in which it can ever be purchased by a people.¹¹⁸

This accords well with the reminisces of James Oddie, the founding chairman of Ballarat West Municipality, at the Jubilee celebrations in 1905 where he stated in his speech

To come back to the foundation of municipal government. In those early days the diggers had risen against tyranny and despotism. It was against the state of things that the diggers rose, and the outcome was local government, demonstrated in the first instance by the local courts. When the Local Government Act was passed in April 1855 ... eventually a petition was presented to the Government, and on this day half a century ago Ballarat was proclaimed a municipality.¹¹⁹

Locally, at Ballarat Commissioner Robert Rede has been fairly portrayed as the villain of Eureka, setting in motion those tragic events. However, the villainy went much further as the miners stated – to the very concept of the Goldfields Commission itself.

Established in 1851 with the discovery of gold in NSW it had a troubled existence from its inception.¹²⁰ In many locations it was the only representative

¹¹⁷ Ibid, 10-11

¹¹⁸ Ibid, 11

¹¹⁹ *The Ballarat Star*, Tuesday 19 Dec 1905, The Jubilee of the City Council, page 1

¹²⁰ *The Melbourne Daily News*, Wednesday, 10 September, 1851, Ballarat Diggings, 2. The correspondent describes the absence of officials and the need to spend local revenue on mail, police etc

The Correspondent of the *Geelong Advertiser*, Tuesday November 25 1851, page 2, just three months later, that officials are there at the Ballarat diggings collecting large amounts of revenue but no evidence of it being spent for the benefit of the miners on vital services like the mail or doing anything to establish ‘civilization’.

arm of the government. However, its scope was extremely limited as Verdon explained, with no powers of municipal management, setup purely for servicing the gold industry from the management of the gold resources to the collection of licenses. However, for people living and working in the gold districts, much more was expected from the increasingly unaffordable license fee and complaints began escalating from the early stages. A major insurrection at Reid's Creek on the Ovens' goldfield in early February 1853 triggered an investigation and a movement for sweeping reforms including an appeal to Governor La Trobe for the revenue collected to be spent on local amenities such as roads.¹²¹ Significantly, as this investigation reveals, many of the questions put to the miners by the Government, also included inquiries as to whether miners were willing to purchase land if it was available and settle in their respective areas¹²².

By the time of Governor Hotham's arrival in 1854 unrest was a regular occurrence and despite his enthusiastic reception, the *Argus* in October 1854 issued a prophetic warning that with Reed's Creek in hindsight, the diggers' 'joyous demonstration is ... likely to fire into wrath if treated with violence and contempt.'¹²³ This occurred in December 1854 at Eureka, hastening the proposed Commission of Inquiry into the Management of the Goldfields to

¹²¹ *The Argus*, (Melbourne) Tuesday February 15 1853, Scraps from the Ovens, Page 4, Friday Feb 11 1853, Friday, Feb 18 1853, Feb 8 1853, *The Argus* (Melbourne) Friday, August 5 1853, 'Grievances of the Gold Diggers', page 4, *Report of the Select Committee of the Goldfields together with the Minutes of Evidence and the Appendix*, 1 November 1853, [Parliament.Vic.gov.au/papers/govpub/VPARL1854-55NoA76p\[1\]](http://Parliament.Vic.gov.au/papers/govpub/VPARL1854-55NoA76p[1])

¹²² *ibid*

¹²³ *The Argus*, (Melbourne) Monday October 30 1854, Bendigo, page 6

action in early 1855. The inquiry was comprehensive as it was not just miners aggrieved by the Gold Fields Commission, it also affected many who conducted business with it.

The inquiry uncovered enough evidence to warrant its virtually immediate decommissioning. The report showed how poor internal practices provided opportunities for corrupt and inefficient officials to rot the system or to let costs get out of control.¹²⁴ There were many examples of these failings; especially relevant are items 80 – 90, detailing disgruntled suppliers and contractors, an excess of buildings, placed in areas of no or little relevance to gold mining and inexperienced and immature staff. The legal system also was ineffective due to the Stipendiary Magistracy not being adequately equipped to carry out their duties in concert with the Commission. Of more relevance to the respective communities, there was no provision to frame appropriate bye-laws ‘suited to the special circumstances of gold-mining and other vocations.’¹²⁵

The need for comprehensive change however, was not a sudden change of heart on the part of the government. In the week following Eureka at the sitting of the Legislative Council on December 13 1854, after his comments on the state of finances, the Colonial Secretary then broached the topic of the goldfields stating:

¹²⁴ *Report from the Commission Appointed to Inquire into the Condition of the Goldfields*, 1855
see also the summary published in the *Geelong Advertiser and Intelligencer*, Monday April 9th 1855, ‘The Ballarat Outbreak’, 5

¹²⁵ *Report from the Commission 1855*, item 87

... in alluding to this subject he would assure the house that it was the intention of the government to treat the question in a liberal manner, (hear, hear,) as it (the government) had for a long time been impressed with the necessity of making a great change in the administration of affairs at all the Gold Fields in the colony.¹²⁶

It was clear from the Commission of Inquiry that the Government was keen for miners to settle locally and buy land. The questions posed to those fronting the earlier panel in 1853 as well the Commission of Inquiry in 1855, almost without exception included an inquiry as to whether miners would be willing to settle down, establish gardens, and buy land if it was available to them¹²⁷ observing that a more settled and recognizable society with mechanization, class stratification and occupations was evolving.¹²⁸

The administration of Sir Charles Hotham has attracted its share of critics but there are aspects of his administration that indicate that they were not necessarily out of touch with the welfare and direction of the colony as a whole. The Municipal Corporations Act of 1854 indicates a ministry anticipating future expansion and prosperity and attempting to come to grips with solving the problems of an evolving modern and complex society. At much the same time of the Eureka revolt, Royal Assent was given for the Municipal Institutions Act (29/12/1854) and the *Argus* was 'pretty certain' that it would 'have a material influence on the welfare of the colony of Victoria.' The *Argus* editor went on to

¹²⁶ *The Age*, (Melbourne) Thursday December 14 1854, Legislative Council, page 4

¹²⁷ *Report of the Select Committee of the Goldfields together with the Minutes of Evidence and the Appendix, 1 November 1853*, Parliament.Vic.gov.au/papers/govpub/VPARL1854-55NoA76p[1]; *Report from the Commission 1855*

¹²⁸ *Report from the Commission 1855*, point No 156

argue that municipal government was essential to the future of the colony by avoiding the evils of centralization:

The principal of local self-government is one always becoming more important, and daily advancing in the estimation of the people, to whom the word centralization is only a synonym for mismanagement and oppression. Under a wise system of municipal institutions the great centres of the future populations of the colony will rapidly develop themselves; and instead of a large population being found, as has heretofore been the case, without the means of providing for its local requirements and making its local regulations, small nuclei of population will be furnished with powers which will permit them to develop the resources of their own localities in proportion to the opportunities for their increase and their own intelligence.¹²⁹

The same sentiment was just as apparent in the second reading of the bill in the Legislative Council six weeks before the Eureka uprising. Surveyor General Andrew Clarke, architect of the Bill, in reading it to the assembly declared that there was virtually no disapproval and his comment that local self-government could not be too soon conferred was met with loud ‘hear hears.’¹³⁰ He went on to declare that a departure from the past was needed and measures framed to ‘destroy the spirit of centralisation – a spirit which had made distant localities discontented and rendered nugatory many efforts of the government.’¹³¹ Pointing to Canada and its present prosperity the Surveyor General praised the wisdom of Lords Sydenham and Metcalf in granting Canadians municipal councils. Significantly he pointed out the preamble of the Canadian Bill where it stated ‘that the true development of the country would thereby be promoted’

¹²⁹ *The Argus* (Melbourne) August 9 1855, NEW LAWS: Municipal Institutions Act, page 4

¹³⁰ *The Argus* (Melbourne) Thursday October 19 1854, The legislative Council, page 4, *Bernard Barrett, The civic frontier*, p131

¹³¹ *Ibid*

confirming that the history of Canada of recent times had proved that the decision was correct.¹³²

This was supported by J P Fawcner who believed that facilities enjoyed in Melbourne should also be available for the regional areas.¹³³ Mr Campbell in his response believed that the bill signalled a new era stating; ‘it was an era in the history of a country when a system of local self-government was thus provided.’ His objection was that it did not go far enough.¹³⁴ More importantly the introduction of municipal government was viewed as the solution to the unrest on the goldfields. Municipal government in Victoria was thus viewed as essential to this transformation, having a bearing on ‘progressive success’ being a timely concession to the colonists ‘bringing system and cohesion to the formative arrangements of the community¹³⁵.’ More importantly it would, as the *Age* reported,

remedy many of the most serious and obnoxious grievances which have given birth to our loud and neglected complaints. On the goldfields particularly, we anticipate that the workings of this bill will stop the petty and arrogant insults and annoyances which have for so long been sources of rankling animosity and distrust between the Government and its subjects.¹³⁶

The passing of the Municipalities Act at the end of 1854 was arguably a quiet revolution by parliament much like its 1835 counterpart in Britain had set the groundwork for displacing the old closed corporations and severing the remnants

¹³² *ibid*

¹³³ *ibid*

¹³⁴ *ibid*

¹³⁵ *ibid*

¹³⁶ *The Age* (Melbourne) Friday November 3 1854, page 4 Local Government.

of the feudal system in local government. In this case, as most in the government believed, reducing the degree of central administration in the regional areas like Ballarat and handing power to local communities would promote regional development and general prosperity for the colony. It was also viewed as a remedy for the ‘hardship of being rated for nothing ... by many localities that were not in a position to help themselves.’¹³⁷ Its focus was clearly urban anticipating a rapid population growth as its limited scope indicates:

Any district in Victoria containing nine square miles or less of area, and with a population of not less than 300 householders, may, on a petition of the majority, be constituted a municipal district by proclamation of the Governor. The Governor may also, by proclamation, unite an additional area to this municipality, provided it adjoins it and contains an average of thirty-six householders to the square mile.¹³⁸

¹³⁷ The *Argus* (Melbourne) 9 August 1855, ‘New laws, Municipal Institutions Act’, page 4

¹³⁸ *ibid*

Chapter Four

1855: The Call for Municipal Government

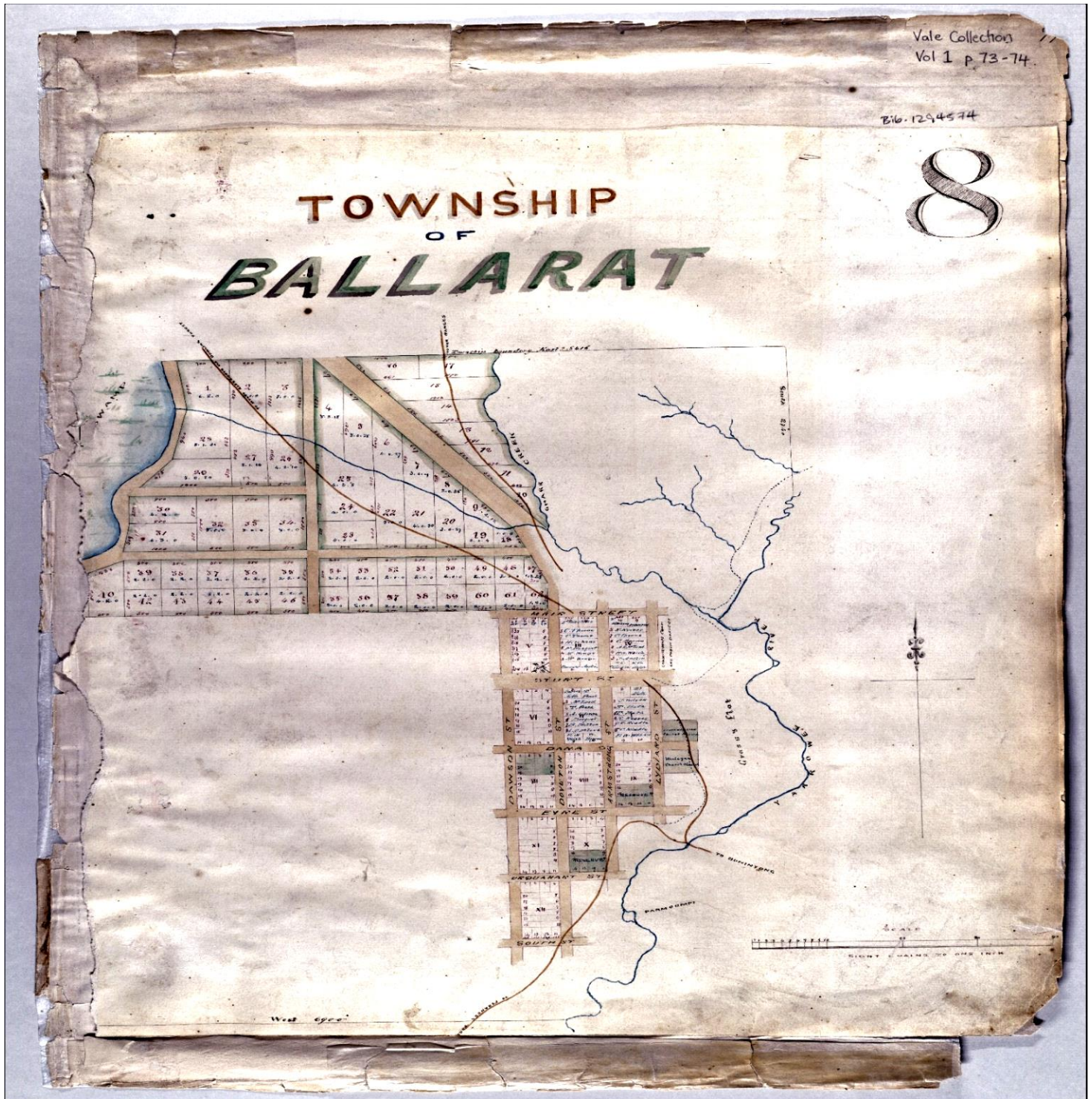


Fig.2 Copy of a parchment map of the Township, possibly late 1854, certainly dated between 1853 and 1855 – without Drummond, Errard, Lyons and Raglan streets, very likely the one referred to by the Age 28/6/1855 *Township of Ballarat* [cartographic Material]. Vale Collection. 1851. <http://handle.slv.vic.gov.au/10381/192258>

The end of 1854 culminated with the Eureka Stockade which became a wake-up call to the fledgling Government, on the urgent social and political needs of the regional populations. As James Oddie reminded the citizens of Ballarat many years later, the miners rose up against tyranny and the rule by commissioners winning democratic concessions and local autonomy¹³⁹. In the first instance this resulted in the disbanding of the Goldfields Commission and election of local representatives to the newly formed Miners Courts early in 1855. However, this did not address the urgent needs of the township which, from its inception in 1852, had been neglected due to the large expenses required to maintain the Goldfields Commission.

By 1855 as the above map illustrates, the town had had physically doubled in size. The original central grid of six streets had been extended southward and divided into lots with their immanent sale anticipated. With this expansion naturally came a growing expectation for the corresponding extension of the services and facilities of the state – a need reinforced strongly at the ballot box in the election for the expanded Legislative Assembly in 1856.

The role of the state in the lives of communities and the individual was a long-held and debated principle of British society as articulated by the father of Liberalism John Locke and his predecessor Thomas Hobbes. Locke's ideas were

¹³⁹ *The Ballarat Star*, Tuesday 19 Dec 1905, The Jubilee of the City Council, page 1

based on the concept that ‘political authority is bestowed by individuals on government for the purpose of pursuing the ends of the governed’.¹⁴⁰ This was a powerful tradition that derived a great deal of credibility from the victory of the parliament over Charles 1st, spawning groups like the levellers and their derivatives who began to agitate for electoral, legal and local government reforms.¹⁴¹

There were strong indications of pride in this heritage in the Ballarat community which emerged during a long and vigorous toasting session in the victory celebrations for J B Humffray in October 1856. Dr Allison thus reminded all present to

Let them remember the free and happy land of Britain ... where constitutional liberty had long been enjoyed; there the laws were mild. The standard of liberty and religion had long been erected in Britain (Cheers). In Britain all were free and he thanked heaven they were not under such a rule as that of the king of Naples. Their duty was to preserve the liberties and institutions of their fatherland and transmit them unimpaired to future generations.¹⁴²

Thus, of primary concern for Britons, from a Hobbesian perspective, was the expectation that the institution of government should be conceived as an instrument for the defence of the life, liberty and estate of its citizens or that the reason for its existence is the protection of individuals rights as laid down by God’s will and enshrined in law.¹⁴³

¹⁴⁰David Held, ‘The development of the modern state, in Stuart Hall and Bram Gieben eds., *Formations of modernity*, Polity Press, Cambridge UK, 1992, pp 110-112

¹⁴¹Brian Manning, *The English people and the English revolution*, Penguin Books Harmondsworth UK, first published by Heineman Educational Books 1976, pp 322-340

¹⁴² *The Star* (Ballarat) Saturday November 1, 1856, Complimentary Dinner to J B Humffray Esq, M P, page 2

¹⁴³David Held, ‘The development of the modern state’, 1992, p110

This belief was at the heart of the moves to establish the municipality. It informed a sense of outrage around two basic issues. The first was being let down by the government that had failed in its duty to protect the rights and the property of its citizens. The second was collecting revenue from which no direct benefit was derived. This was completely out of step with the rest of the colony as Sir George Verdon pointed out in 1857.¹⁴⁴ In Melbourne and Geelong residents were enjoying the benefits of political representation as well as municipal government. Rates and taxes were not collected with armed escorts and all to varying degrees enjoyed or suffered the effects of progress and civilization. Adding insult to injury with many miners a major ‘point of grievance’ under the Goldfields Commission was seeing their taxes being squandered on unnecessary government buildings and over-bearing staff rather than expenditure on legitimate local needs such as roads, court houses, gaols, and other necessary public facilities.¹⁴⁵

During the shallow alluvial phase settling down permanently was not considered by many miners due to the expectation that new and richer gold discoveries were yet to be found elsewhere – a point made very clear to the Government in the 1853 Investigation into Conditions on the Goldfields.¹⁴⁶ This was Secretary

¹⁴⁴ Sir George Verdon, *The present and future of municipal government in Victoria*, Melbourne, 1858

¹⁴⁵ Ibid, pp 52-53, *Report of the Select Committee of the Goldfields together with the Minutes of Evidence and the Appendix*, 1 November 1853, points, 458, 714, 1610, 1611, 1613, 1623, 1343, 2007-2011, 118-123

¹⁴⁶ *Report of the Select Committee of the Goldfields together with the Minutes of Evidence and the Appendix*, 1 November 1853, Parliament.Vic.gov.au/papers/govpub/VPARL1854-55NoA76p[1]

Foster's main justification for not providing adequate services as he explained in a series of letters to the *Age* in 1855.¹⁴⁷

Understandably, in the early stages it was impossible to keep up with a rapid and constantly moving population, but by 1853 it was becoming clear that some centres, like Ballarat and Bendigo were becoming permanent and needed more resources directed to them and less to other less permanent mining camps.

Commissioner Hardy, the NSW Gold Fields Commissioner until 1854, called for fundamental reform that was based on local funding and services and voiced opinions that led to his eventual removal.¹⁴⁸ Hardy was not alone in this opinion which was vindicated and expanded on by R.H. Horne, the late Commissioner of Warranga, who was even more specific calling for 'responsible government' both local and colonial.¹⁴⁹ This is what inspired the Ballarat Reform League Charter which stated:

That it is the inalienable right of every citizen to have a voice in making the laws he is called upon to obey – that taxation without representation is tyranny ... Immediate objects of the Reform League An immediate change in the management of the Gold Fields, by disbanding the Commissioners.¹⁵⁰

Although primarily in reference to the colonial government with the political changes 'contemplated,' in the new colonial constitution yet to be made into law, the more immediate concerns were of a local nature – with the Goldfields Commission and its behaviour and to ensure that they had a say in how their

¹⁴⁷ *Geelong Advertiser and Intelligencer* Tuesday June 5 1855, Three Letters, 3

¹⁴⁸ Hardy, J R, *Squatters and Gold Diggers, their claims and rights*, Piddington, Sydney George Street 1855

¹⁴⁹ *The Age* (Melbourne) Monday May 28 1855

¹⁵⁰ *Ballarat Reform League Charter*, Inwards Correspondence, VPRS 4066/P0000 Unit 1, November 1854 No 69

taxes were spent. This is an important and overlooked part of the Eureka miners' demands as it did not stop there. It was part of a campaign that continued after the Stockade and into 1855. As also noted, the charter included a call for 'a thorough and organised agitation of the goldfields and the towns.' While this is a matter of interpretation, the actions of the Reform League after 1854 can offer some indication as to the significance of that statement.

An article in the *Age* on 15 Jan 1855 claimed that the 'spirit of reform was dead' suggesting that after forcing changes to the Goldfields Commission, the Ballarat Reform League had achieved its aims. In reply, the newly formed Victorian Reform League declared that 'it was far from dead' indicating a change in focus to social issues stating, 'men are now beginning to perceive the close connection between their political freedom and social prosperity.'¹⁵¹ On this front there was indeed much to reform because there was much at stake and a lot to accomplish if social prosperity was to be attained.

Entrepreneurs like Thomas Bath, early on had speculated on the future of Ballarat West, buying up township and surrounding land when it came on to the market in 1852 after the original survey.¹⁵² Situated on a plateau above the flats surrounding the Yarrowee and most of the mining activity, its future was looking promising and secure. However, initially, without any real jurisdiction or legal

¹⁵¹ *The Age* (Melbourne) Tuesday, January 23 1855, 'Bendigo and Ballarat', page 4

¹⁵² see original township plan of 1852 appendix 3

and political authority over the land it occupied, the township had some significant challenges to face before it became an established city.

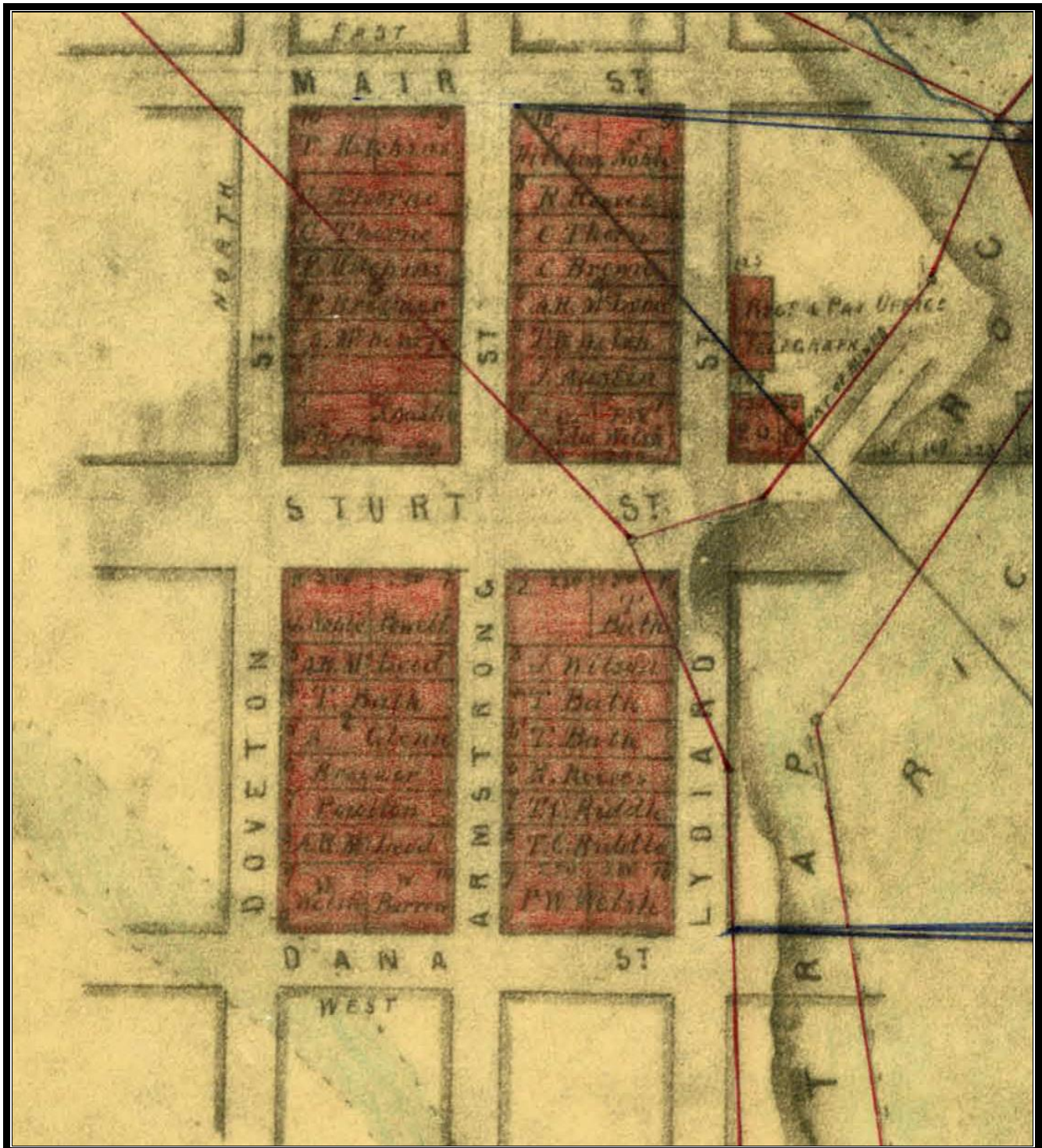


Fig.3. Enlargement of Township -shown on Ballarat First Survey 1852, with lots owned by T Bath on Sturt, Lydiard & Armstrong Streets. VPRS 8168 P0005 FEAT 665A

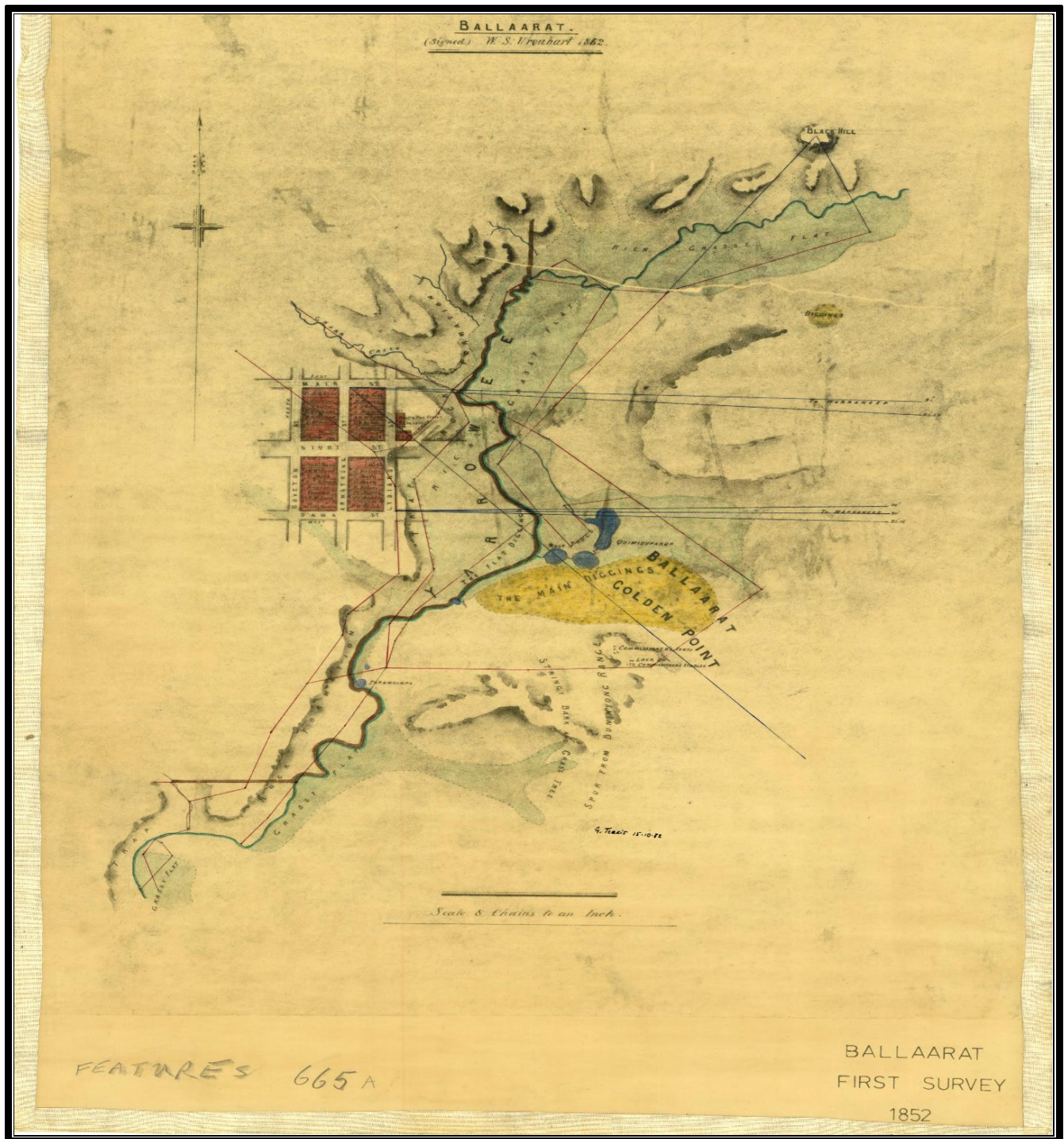


Fig.4. Ballarat First Survey 1852 VPRS 8168 P0005 FEAT 665A

1855 began with a high level of uncertainty with the expected reorganisation of the current Commission administration and a tentative application of martial law.

There were also large rallies in Melbourne, Geelong and Ballarat supporting the miners. With the expected official demise of the Gold-Fields Commission, it was unclear who was in charge at a local level and a crisis in governance quickly developed as crime got out of control and reactions by mobs and officials alike to local issues, created a sense of a community without leaders and on edge.

The events in Ballarat also reverberated loudly in Melbourne. The clash at Eureka reinforced a widely held perception by the people of Victoria that the government's lack of timeliness in updating policies and laws was behind much of the social unrest. This was the point made by the *Age* early in January 1855:

Social and political developments in this colony are so rapid, and the events of recent occurrence have been of so extraordinary a character, that a vigorous and independent policy might well be justified by circumstances. We can no more afford to wait for despatches to be transmitted to Downing Street and directions based upon them to reach us by post, than Lord Raglan could have afforded when he saw the enemy posted on the heights of Alamu to send to London for an order of Battle. Government here must be conducted on the spot.¹⁵³

Immediately following Eureka, the insecurity of the Colonial Administration became evident as a rally was organised by the Mayor of Melbourne, at the instigation of the authorities (as claimed by the *Age*) in support of the 'laws and institutions of the colony'. Specifically targeted towards the recent events at Ballarat the rally spectacularly backfired, and turned instead, by the large crowd present, into an overwhelming condemnation of the Government.¹⁵⁴ A second meeting followed the next day that was reported to have attracted over ten thousand. Chaired by respected businessman and one of Melbourne's largest

¹⁵³ *The Age*, Melbourne, Saturday January 6 1855, 'Summary', 4

¹⁵⁴ *Ibid*, page 5

employers, Henry Langlands, the purpose was to emphasize that ‘great constitutional principles were endangered.’ Resolutions with ‘enthusiastic unanimity’ were made calling for the removal of the soldiers and a transitional body of seven citizens (the number necessary to form the Municipal Council) with the confidence of the community be put in place for the transition for the restoration of peace at Ballarat.¹⁵⁵

This submission was denied by Governor Hotham who chose instead to await the results of the Commission of Inquiry, pledging ‘to construct a new system of management in accordance to its report¹⁵⁶. Nevertheless, the *Age* continued its attack on the Colonial Administration with its prophetic declaration of the solution to the current disaffection on the Gold-Fields:

There are radical defects in the present system which must be remedied by radical reforms. The Ballarat affair renders it impossible that this should be deferred any longer. The fate of the license fee is sealed, and some source of revenue less obnoxious must be devised. For the rest, it is probable that an honest and thorough application of the principle of Representation to ‘the digger’ in connexion with central and local government, will do more than anything else to restore contentment, a cheerful obedience to laws, and that stern confidence in the integrity of power, which in free states is the only guarantee of public order.¹⁵⁷

In the hiatus period at Ballarat, while Governor Hotham deliberated and prevaricated, the various groups such as the soldiers and police tended to look after their own affairs as the expected transition to the new Goldfields management was in process. The management of the township was more directly

¹⁵⁵ Ibid,4

¹⁵⁶ Ibid

¹⁵⁷ Ibid

responsible to the Central Roads Board and the District Police Magistrate.

However, with the local Police Magistrate D'Ewes totally discredited after the Bentley affair, people were in limbo as a replacement was being arranged. With responsibility for legal issues such as bye-laws and criminal justice vested in a travelling Stipendiary Magistrate based outside of the locality, there was a growing perception that nobody was acting on behalf of the local population on critical issues.

Despite this, there were moves afoot to establish some form of civic leadership in the community and the source of this new movement was in the township, rather than amongst the diggers. The first local stirrings were reported by the correspondent for the *Colonial Times* (Hobart) on 13 January 1855 who reported on 'a meeting of considerable importance' on the 4 January at Bath's Hotel.¹⁵⁸

The meeting, as the correspondent reported, was chaired by auctioneer, Henry Harris, later to lead the Chamber of Commerce, with the objective of garnering support for the establishment of a local branch of the Free and Accepted Masons. Its purpose was reported to be 'for the furtherance of loyal, constitutional and fraternal principles, which have been much required on these diggings.' The meeting was well attended with a 'respectable' and collegiate element that included 'the principal Camp Officials, merchants, store keepers, and residents on the township. Nevertheless, however important this coming together of camp

¹⁵⁸ *Colonial Times*, (Hobart) Saturday 13 January 1855, Ballarat, 2

and township leaders and residents may have been, it did little to arrest the rising tension caused by mal-administration of the Gold Fields Commission. This would need swift and decisive action and there was only one organisation with sufficient goodwill, especially amongst the mining population.

The Ballarat Reform League enjoyed respect and a high profile maintaining the wide support in the Ballarat District that it had generated in the lead up to the Eureka Stockade. Its emphasis on consultative and considered action was a big factor in a developing sense of local self-government within the community.

After the handing of the six-point charter to the Government, the future direction of the Reform League was publicised in the *Ballarat Times*. *The Colonial Times* of Hobart thus reports:

The objects of the Victorian Reform League are reviewed in the Ballarat Times, and the opinion is expressed that such action as it contemplates is unnecessary till the arrival of the New Constitution. In the meantime, certain directions are indicated, in which the energies of the committee may be beneficially employed. Instead of frittering away their energies in vain attempts at public usefulness, the committee can use their best endeavours, as we understand they mean to do, to secure the release of the remaining state prisoners; ... Then too, they might see to the application of the Municipal Institutions Act of the Surveyor General to our district, by so doing we would gain a local self-governing power of unquestionable advantage, and at the same time be training ourselves for a more extensive interference in the management of the colony. ¹⁵⁹

Thus, after the dust had settled after Eureka, its role did not diminish but rather widened to take on local civic priorities as it waited for the delivery of the contemplated political aims of the Miners' Charter in the New Constitution.

Thus, its actions were also timely and greatly needed as a general perception of lawlessness and lack of safety was pervading the community. Relations between

¹⁵⁹ *Colonial Times* (Hobart) Wednesday 21 March 1855, Victoria, 2

the locals, the police and the military continued to be hostile. The military presence in particular, even before Eureka, was viewed as unnecessary and in a very poor light as a Geelong correspondent noted in September 1854:

The utility of any soldiers on the gold-fields is more than questionable, unless we except those (sappers and miners, I believe) who are at present engaged in taking a survey from which to make a model of Ballarat for the forthcoming Paris exhibition.¹⁶⁰

Their reputation was made worse by their heavy drinking and only the publicans were sorry to see most of them re-assigned in the new year¹⁶¹. Ill feelings towards the soldiers intensified and skirmishes between the locals and ‘joes’ occasionally exploded into unrestrained violence. One episode on Friday night of 5 January 1855 at Hanmer’s theatre, saw two drunken troopers harassed by the jeering crowd at the close of the performance. One of the troopers in response fired his pistol into the crowd, wounding a man in the chest. His mate retaliated with a ‘loaded whip’ fatally injuring the uniformed assailant.¹⁶²

This was not unexpected as the *Colonial Times* correspondent reported that the diggings were under a very close watch by police, who patrolled each night dishing out ‘just deserts’ to the rowdy mob elements.¹⁶³ However, the close monitoring of the diggings soon fell away as the likelihood of a mass uprising began to appear less likely. By April, it was the miners and towns-folk complaining of a need for protection as crime began to increase to an alarming

¹⁶⁰ *Geelong Advertiser and Intelligencer* (Vic), Monday, 18 Sept 1854, ‘Ballarat’, 4

¹⁶¹ *ibid*

¹⁶² *Colonial Times*, (Hobart), Saturday 6 January 1855, Ballarat, 2

¹⁶³ *Colonial Times* (Hobart) Saturday 13 January 1855, Ballarat, 2

level and it was this issue that sparked an even greater impetus for Municipal Government. That criminals were becoming very audacious in the face of poor law enforcement is exemplified by the ‘audacious scoundrel’ who tried unsuccessfully to make off with the cash box in a well patronised Charlie Napier Hotel on the Saturday night session on 7 April.¹⁶⁴

Adding to the general feeling of unease, the large contingent of redcoats continued to throw their weight about. *The Age* reported that ‘since the Eureka massacre, there had sprung up a very bad feeling towards the soldiers.’¹⁶⁵ An altercation on 31 Jan received a great deal of attention when a party of over fifty redcoats attempted to gate-crash a party of Cornishmen in the township and were ejected after a ‘lively skirmish’.¹⁶⁶ A few weeks later they were reported as refusing the roadworkers access to government land for roadmaking materials at gunpoint causing lengthy delays as an appeal was made to the Resident Warden and eventually to the Colonial Secretary to over-rule them.¹⁶⁷ As the year progressed there were reports of ‘pranks’ such as demanding to be included in local ‘shouts’ at drinking establishments and harassing people on the roads.¹⁶⁸ Overblown reactions to petty crimes also were an indication of a community on edge. An attempted pickpocketing incident at the end of January 1855 attracted a

¹⁶⁴ *The Age* (Melbourne) Tuesday April 10th 1855, Ballarat, 5

¹⁶⁵ *The Age* Melbourne, Thursday 1st February 1855, Ballarat, 5

¹⁶⁶ *ibid*

¹⁶⁷ *The Geelong Advertiser and Intelligencer*, Monday 19th March 1855, Ballarat, 2

¹⁶⁸ *The Age* (Melbourne, Vic: 1854 - 1954), Tuesday 17 April 1855, page 5, see appendix 2

large crowd of two to three hundred diggers who captured the miscreants and escorted them to the police camp. The police reaction was out of proportion as Sub-Inspector Kirk made a charge at the crowd with all available mounted and foot police to disperse them.¹⁶⁹ As the year progressed the malaise of governance deepened and the numbers and severity of the crimes increased to the extent that people had had enough of the poor responses of the police and the gold-fields oversight.

There were well-founded rumours of collusion and collaboration of the soldiers with criminal elements that persisted for most of the year¹⁷⁰. This more than anything forced the townsfolk and diggers to band together to find solutions to the serious threats to civic harmony. The *Geelong Advertiser* correspondent noted this increased attention to civic concerns in his summary of Ballarat local events on 12 April:

Political grievances are about to give way to the consideration of social evils and from the temper which is already manifest on all sides, there is a fear that death may again become too familiar to our ears and eyes.

Conditions in the Creswick area early in the new year of 1855 were described by the *Age* correspondent as ‘unsettled and revolutionary’ due in most part to the ‘inefficiency of the police force.’ He noted that:

The laws affecting the management of the Gold-fields are no doubt both unjust and inoperative; but the evil alluded to requires immediate attention, else lynch law must soon assume the place of the imbecile executive.¹⁷¹

¹⁶⁹ *The Age* Melbourne, Thursday 1 February 1855, Ballarat, 5

¹⁷⁰ *The Geelong Advertiser and Intelligencer*, Ballarat, Wednesday 15 August, 1855, 3

¹⁷¹ *The Age* Melbourne Thursday 1 February 1855, Creswick’s Creek, 5

These were serious concerns by many responsible locals who feared the social breakdown that could come with outraged locals taking the law into their own hands. But the catalyst for permanent change came in the weeks between the end of March and the middle of April.

A group of horsemen had become incredibly bold in their activities pillaging the local population openly during the daylight hours. Camped in the bush at Slaty Creek, about two kilometres south of Creswick under the guise of conducting a legitimate business, they had become the most notorious element in a wave of crime that was experienced from Ballarat almost to Melbourne and across to Geelong. As the *Age* correspondent reported:

The organised villainy was content at first with simple stick up and rifling the person of their victim of any valuables. We now have gone through all the stages from that to deliberate murder. ... Not only are individuals selected, tents gutted in open day, articles of small value as well as those of importance carried off. Hotels are stuck up, and if a strong hand is not brought to bear on the present state of things, not only to prevent its spread, ... we will but too soon hear of the conveyances, the banks, aye, and even the government escorts being laid under tribute to these 'plunderers' and armed ruffians.¹⁷²

While some considered banding together for 'mutual protection' to put down the evil scourge, most were not in favour of vigilantism and the lynch, preferring to trust the leaders who had guided them through the last six months to seek a more legal and constitutional solution.

Nevertheless, 'Self Protection' societies, were attracting a lot of interest, the most well-known calling themselves 'the Crow Club'¹⁷³ formed after the inquiry

¹⁷² *ibid*

¹⁷³ Because they met at the "Crow" tea rooms on Lydiard Street

chaired by the local Victorian Reform League, local residents and commercial establishments. Unlike other such organizations originating on the central goldfields around Bendigo,¹⁷⁴ it existed purely for ‘protection’ denying any religious and political affiliations.¹⁷⁵ The *Age* reporting on this development screamed ‘Lynch Law at Ballarat’ making wild accusations that the population now was at war with a band of Vandemonians, two hundred strong, manned in some part by rogue police.¹⁷⁶ However, reality was much less sensational, although serious, but nevertheless galvanised local leaders to stand up for the community and garner support for action. The shooting death of the perpetrator of an attempted robbery at the George Hotel did evoke a response that there should be more such shootings to assist the police in their endeavours.¹⁷⁷

The bushrangers were eventually captured along with a treasure-trove of loot that filled a number of large drays, in a daring night-time raid that caught the gang asleep and unarmed in their bush hide-out at Slatey Creek.¹⁷⁸ The heroics of Sub-Inspector Nicholson and his band of six officers restored some faith in the local constabulary, but the three months of terror inflicted by this gang on top of everything else did too much to arouse the outrage of the local community which would not be silenced. And as Eureka had demonstrated, once stirred up, the

¹⁷⁴ *Bendigo Advertiser*, Wednesday 26 September, 1855, Original Correspondence: The Working Miners’ Protection Society, page 3

¹⁷⁵ *Mount Alexander Mail* Friday 4 May 1855 “Storekeepers’ Association, 3

¹⁷⁶ *The Age* 11 April 1855 Lynch Law at Ballarat, 5

¹⁷⁷ *The Geelong Advertiser and Intelligencer*, Thursday 15 February, 1855, 2

¹⁷⁸ *The Geelong Advertiser and Intelligencer*, Friday, 20 April, 1855, Ballarat, 2

mining community and in this case the storekeepers themselves were directly impacted by the bushrangers plundering their stock and trade and personal possessions. The search for a permanent solution thus gave rise to the beginnings of the Municipal Corporation. This action was in accordance with the tried and true methods employed in the mining dispute, by the election of committees to establish facts and seek redress through parliamentary petition.

As a sub-committee of the newly-formed Victorian Reform League, the Ballarat members, in accordance with their consultative approach, in early April 1855, appointed a commission to enquire into these and other events sitting for three days from seven PM at the Star Hotel with the intention of compiling a report.¹⁷⁹

The report stated that it was a

memorial of the miners and storekeepers of Ballarat ... proving that the police are totally inefficient in affording protection ... and that your Excellency will take immediate steps for providing a sufficient force of police ... and thereby save your memorialists the expense and inconvenience of organising themselves for mutual protection. ... signed R Muir Chairman.'

Nevertheless, as a response to public concern, it was moved by Mr Binney of the firm Binney & Gillot and seconded by Mr Allen, a miner, that a committee also be formed for the purpose of the 'protection of life and property' made up of Mr Robert Muir, Rolf, Oddie, Wilson, Abrahams, Mr H R Nicholls, Lester, Norman, C F Nicholls and W C Weekes with the power to add to their number as they saw fit.¹⁸⁰ It would appear, however, that this was not the only initiative taken with the

¹⁷⁹*The Age* Melbourne, Vic, Wed 4th April 1855, Ballarat, 5, see full article appendix III page 196-198

¹⁸⁰ *The Age*, Melbourne, Vic, Tuesday, April 17 1855, 5

Geelong Advertiser reporting on the ferocity of the ‘silly’ freelance activities of a ‘Mr Goodman’ and his squatting and mercantile supporters in keeping the mining interests ‘down.’ Such activity was condemned as running counter to the aims of the reform movement which needed to be ‘settled equitably for the peace and prosperity of the colony’¹⁸¹. As the Age reported, Mr Weekes (who later served on the Miners’ Court) in reading the report stated that the matter was of the highest importance and that he wished always to act constitutionally.¹⁸² The report was then approved for printing and duly signed by H R Nicholls, H T Holyoake, and C F Nicholls.¹⁸³

Thus, in this vein, in response to the law and order crisis, a meeting was called on Saturday 16th April, to hand the matter over to the local community for action. The meeting was chaired by Mr Robert Muir of the drapery firm, Muir Bros



Fig.5 Cr Robert Muir: from the collection of The Ballarat Historical Society, section of B/W photo of *Ballarat’s first Council 1856, Cr Dr J. Stewart, Cr J Oddie, Cr A B Rankin, Cr R Muir, Cr W Tulloch, Cr J S Carver*. Catalogue No 106.81

¹⁸¹ *The Geelong Advertiser and Intelligencer Thursday 10 May 1855, Ballarat, page 2*

¹⁸² *The Age, Melbourne, Vic, Tuesday, April 17 1855, 5*

¹⁸³ *Ibid, For a full copy of the article see Appendix III*

a man whose energy and ambition for Ballarat West would be highly influential in its rapid development over the next few years.



Fig. 6. *The Hon John Basson Humffray*, pastel on brown paper by Thomas Flintoff, 10 August 1859. State Library of Victoria catalogue No H325

Mr J B Humffray then took the chair and in accordance with the pre-amble of the Miners' Charter asserted, as reported by the *Age* correspondent:

... there was a well-known sound political maxim, that for a people to be well governed they must govern themselves, would it not be better for them to take the law into their own hands. He did not mean in the seditious sense about which so much learned nonsense had been uttered of late. But that the people should insist on the due administration of justice; and that in as much as the people of Ballarat paid their proportion of taxation, they ought to have their proportion of protection to life and property. Ballarat must be declared a municipality, and the people will secure two important political rights, namely, the raising of local taxation and expending of the same for the benefit of those who pay it, and thus prevent its being squandered by a system of official centralization.¹⁸⁴

In elaborating on the meeting, the *Mount Alexander Mail* reported that the petition drafted by the Victoria Reform League and read by J B Humffray also

¹⁸⁴ *The Age*, Melbourne, Tuesday April 17 1855, page 5

requested that ‘steps should be taken for declaring the township a municipality in order that the police might be placed under the management of those who understood local requirements¹⁸⁵.’ However, as it transpired, the colonial government, although severely chastened by the public over their handling of the Eureka affair, was only prepared to propose a partial remedy in accepting the petition, being unmovable on the issue of granting local control over the Ballarat police force.

Thus, after submitting the petition to the Governor, the response came in the form of a suggestion from the Colonial Secretary on May 25 endorsing the measures already adopted:

His Excellency will direct that such police as can be spared from other districts shall be sent to Ballarat, but he desires me to say that in the present condition of the country no amount of police force which could, consistently with the financial interests of the colony, be maintained, would, in his judgement be sufficient for the protection of the present widely scattered gold-fields of Victoria. The Governor is satisfied that a general desire exists at Ballarat to maintain the law and uphold order, and he confidently trusts that the holders of property on the Ballarat gold-field will enrol themselves as special constables and unite with the police in quelling disturbance; and what is of more consequence, show that they are lovers of order, and firm in their determination to aid the local authorities.¹⁸⁶

It was clear that police matters would remain with the central government as it was for all municipalities in the Australian colonies with local government not necessarily local self-government as proposed by Joshua Toulmin-Smith and his chartist colleagues back in England.

Nevertheless, although this was the spark that began the movement towards municipal government, law and order was just the first hurdle to cross. There

¹⁸⁵ *Mount Alexander Mail*, Friday 4th May 1855, 3

¹⁸⁶ *The Age* (Melbourne) Monday June 4th, Ballarat News, 5

was an even bigger obstacle in the path of the township and its residents and that was its position in relation to the gold deposits underneath its streets. It was the one defining issue on which everything hinged.

Chapter Five

1855 – Protecting the Investment

In early 1855 Ballarat was a typical mining town serving the commercial needs of the mining population. However, by the end of 1855, Ballarat West could legitimately claim to be the regional centre of commerce. It was the only place in the district where private town land could be purchased for residential purposes. It also could legitimately claim to be Ballarat itself by virtue of the official survey of the township in 1852 and where almost all the government and financial service offices were located. However, maintaining that status in 1855 was more a result of faith than anything else because for a while nothing was one hundred percent certain as confidences waxed and waned in accordance with the fluctuating fortunes of the mining activity. Nevertheless, by the end of July 1855 fears for public safety at least, had eased due in no small part to the success of the crime prevention measures employed by the local committee. This also resulted in the disbanding of the Ballarat Volunteer Protection Society or the ‘Crow Club’ as it was commonly named.¹⁸⁷

Although the 1852 survey by W S Urquart showed Sturt Street as the main ‘boulevard’, it was Lydiard Street in 1855-1857 that was the main centre of

¹⁸⁷ *Geelong Advertiser and Intelligencer*, (Victoria) August 9 1855, The Ballarat Volunteer Protection Society, page 2, Mount Alexander Mail, Friday 4 May 1855, ‘Self-Protection,’ page 3

business. It included the district transport hub of Cobb & Co and the booking office of Carrington & Rollins on the Sturt Street south corner on land owned by Thomas Bath. This large transit centre came with a livery and twenty-seven stables and a large storage and staging facility. All traffic from Geelong and Melbourne came through this centre – the first stopping place for those seeking their fortunes on the goldfield. It was a large allotment that covered almost half an acre and arguably was Ballarat West's most prime real estate asset. Next door was Bath's Hotel, the premier establishment in the district and the weighbridge, which until 1856 was the only one until the council facility was setup at the market square on the corner of Mair and Doveton Streets.



Fig 7: *Cobb & Co Leviathan Coach arriving at Bath's Corner ca 1860.* The booking office was on the corner of Sturt and Lydiard and Bath's Hotel was next door with a 'right of way' approved in 1856 by the council, separating the two buildings. Note the front entrance to the hotel on Bath's Lane. Deutsch, H. Cobb & Cos. *Leviathan Coach Carrying 89 Passengers, Running between Ballarat & Geelong* [Vic.] H. Deutsch., 1862, accessed online http://search.slv.vic.gov.au/primo-explore/fulldisplay?vid=MAIN&docid=SLV_VOYAGER1817940&context=L

The gold buyers were also located in this central precinct along with the three major Banks – the Bank of NSW, the Bank of Victoria and the Colonial Bank as well as all the branch offices for the Colonial Government including the post office and Surveyor's Office. It was the post office and its location that was to be one of the major delineations between east and west Ballarat in 1857 as the different municipalities asserted themselves in the district.¹⁸⁸

After serving as chairman of the new Council, James Oddie believed that West was where it should stay to service a growing population and agricultural industry to the north and west of Ballarat as well as the financial establishments and land agents – most of which were in Ballarat West.¹⁸⁹ Besides, as Wymond of Lydiard Street drapery firm Wymond & Vasey asserted, long term township land owners like himself 'knew what they were about.'¹⁹⁰ However, as events transpired, that confidence was severely tested as it wasn't the post office that provided the biggest challenge to the township in 1855. Mining was threatening its very existence.

During 1854 and 1855, this uncertainty was increased by opportunist traders along the flat on the Main Road from Buninyong, leasing government land to

¹⁸⁸ *The Star* (Ballarat) Wednesday 29 July 1857, 'Post Office Removal'

¹⁸⁹ *ibid*

¹⁹⁰ *ibid*

cater to the needs of the nearby miners. This was not surprising as it had become customary for suppliers of all sorts of goods and especially drink, to be as close as possible to where the work was taking place.

From early 1855 the flat along the Yarrowee through to the bridge below Bakery Hill was experiencing a building boom so described by the *Age* correspondent as ‘buildings ... moving forward in battalions on each side of the new road leading to the bridge.’ While in the township on freehold land, there was also growing evidence of a more permanent appearance with ‘several buildings of stone, brick, wood and iron springing up.’¹⁹¹ The activity along the flat, however, had raised the ire of those in the town who increasingly saw this as a threat to their long-term security, the value of their assets and more importantly, their profit margins. By the middle of 1854 the mining activity and the buildings that accompanied had crossed the river and were approaching the township boundary at Lydiard Street on the escarpment just above present-day Albert Street.¹⁹²

¹⁹¹ *Ballarat*, The Age Melbourne, Vic, Wednesday 4 April 1855, page 5

¹⁹² See page 46 for 1855 map of township.

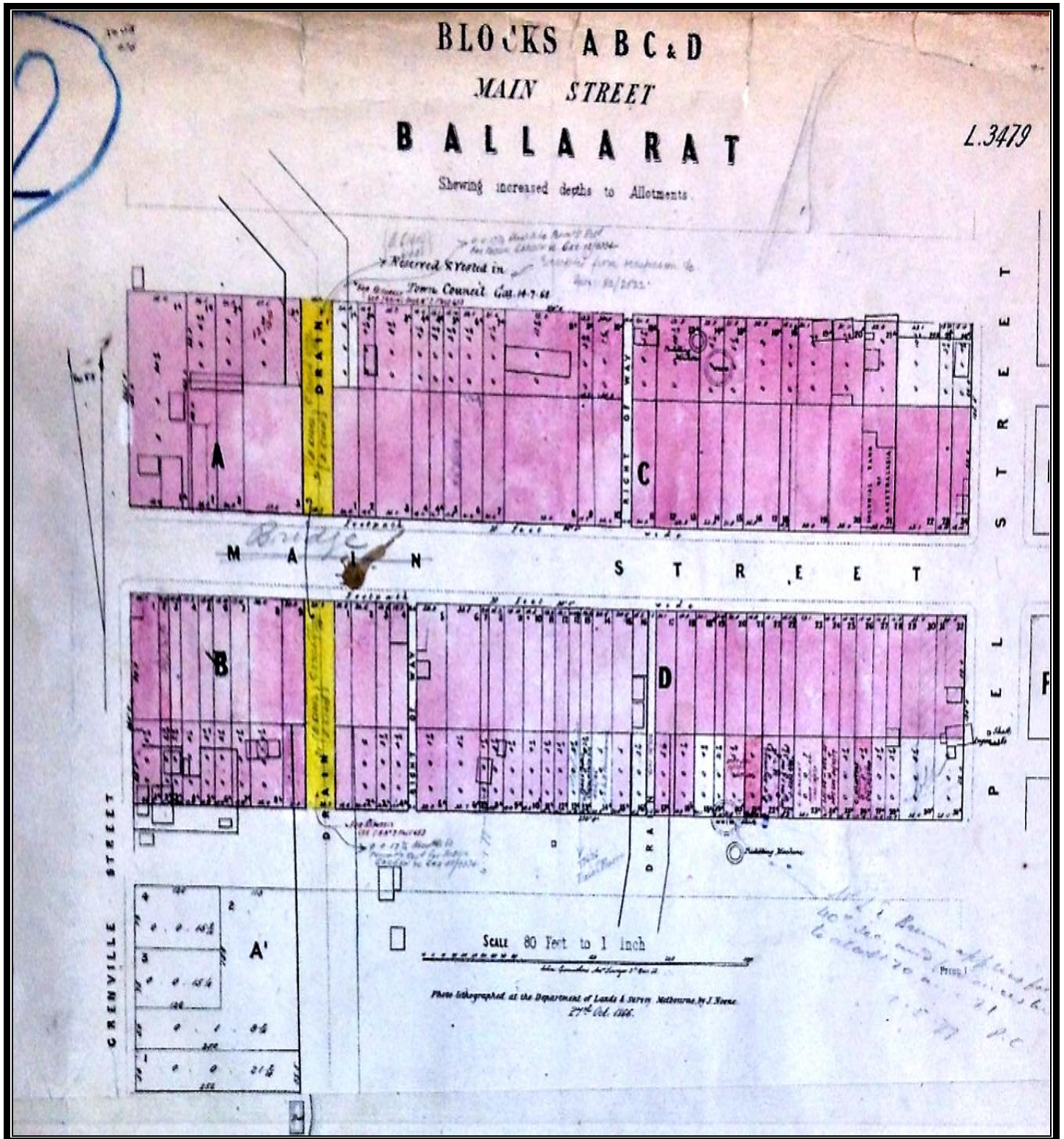


Fig.8. 1857 Plan detailing surveyed lots for Main Street (now Bridge Street) Ballarat East and Bakery Hill. Public Records Office VPRS 2500 P0000/1 Ballarat Municipal Council Letters Inward January – December 1856-1857 Bridge over the Yarrowee in yellow marks the boundary set in 1856 – lots on the west side fell into Ballarat West.

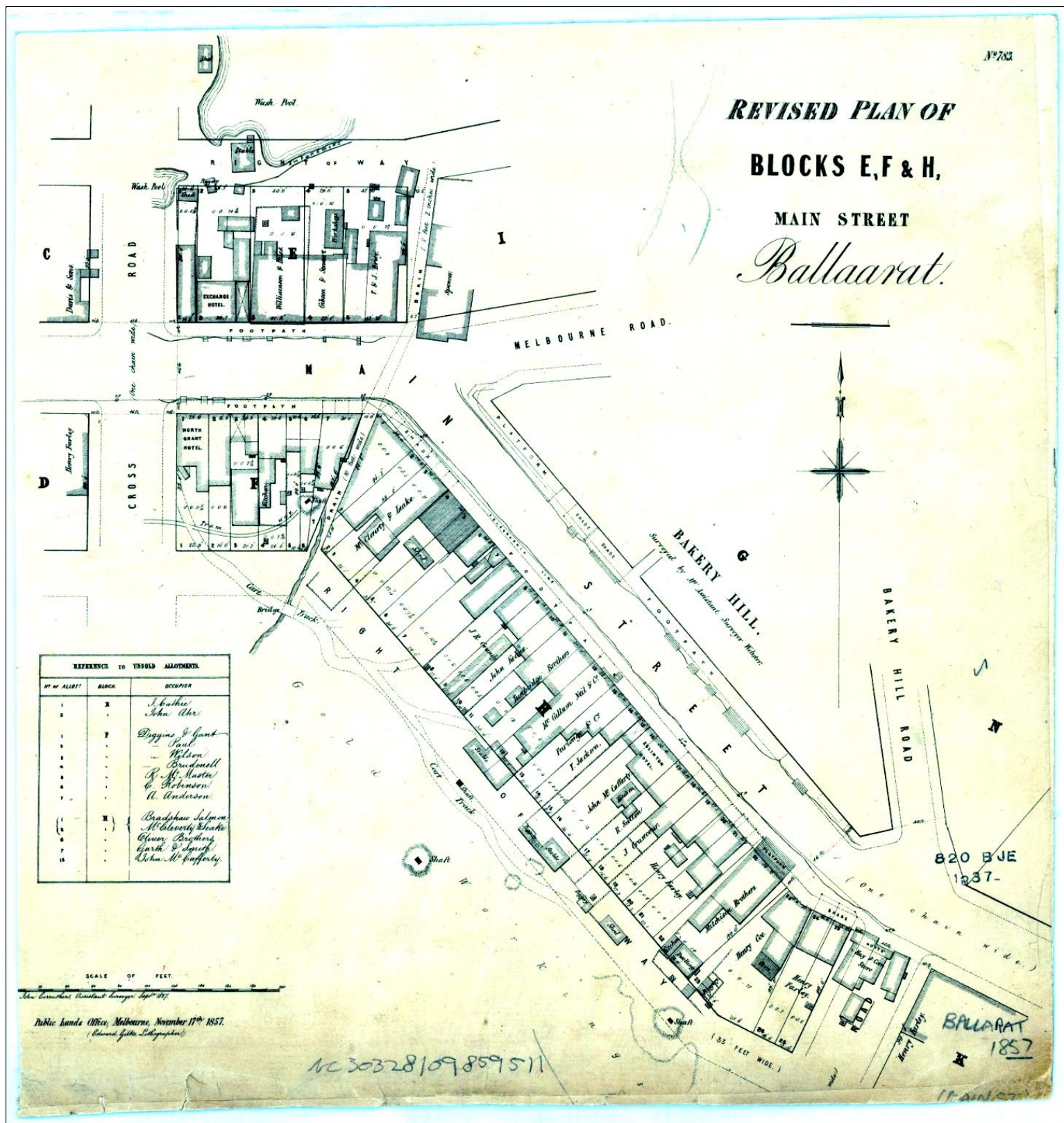


Fig 9. 1857 Plan detailing surveyed lots for Main Road to Peel Street Ballarat East and Bakery Hill.
Public Records Office VPRS 2500 P0000/1 Ballarat Municipal Council Letters Inward January – December
1856-1857

It was the careful construction of a drinking establishment provocatively erected on the boundary line that was the final straw, dubbed by the *Geelong Advertiser* correspondent, that had the potential to be ‘of greater interest than the occupation of the Danubian Provinces by the Russians.’¹⁹³ The freeholders in the town were reported to be ‘very wroth that tents and stores were allowed so near to their property on which they had expended so much money.’¹⁹⁴ This situation reached an impasse in September 1854 as the Gravel Pits lead finally reached the township boundary where building activity stopped as deputations from miners and town storekeepers were lodged with the Governor for protective measures. The question on the lips of the population was; ‘how is the Government going to act if the Gravel Pits heads into the township?’¹⁹⁵

The Governor ruled first in favour of the township and then as he had prevaricated for over six months, overturned his decision in favour of the miners on the flat early in 1855¹⁹⁶. This was due in no small part to the enterprising actions of entrepreneurs who, in the mean-time had established a wide variety of commercial premises, even speculating substantial sums with options placed on possible shopfront positions. *The Age* correspondent described it as ‘a great centre of business, frontages began to command high prices, and though on

¹⁹³ *Geelong Advertiser and Intelligencer*, Wednesday, 20 September 1854, Ballarat, page 4

¹⁹⁴ Ibid

¹⁹⁵ Ibid

¹⁹⁶ *The Age* 21 Feb 1855, Ballarat, page 3

crown lands, the stores along the road were transformed into permanent premises.¹⁹⁷

By June of 1855 there was a growing belief that the township would soon be overtaken as some commentators began calling it a ‘parchment township.’¹⁹⁸ As the leads progressed at a quicker pace with steam technology¹⁹⁹ in that direction some were expecting that the Government should provide the means to repurchase the township land from the sale of the occupied lots on the flat.²⁰⁰

More weight was added to this position later in the year as the London Chartered Bank of Australia established a branch on the flat, providing a great deal of relief to the local diggers who had been compelled to make an uphill ‘trudge to the township to do their banking business.’²⁰¹ In addition, the residents and traders along Main Road were now viewing the locality as a permanent arrangement. One enterprising trader Mr F Reid, in competition with the establishments on the township had fitted out his premises with gas renaming it ‘the Gas Saloon’ illuminated by gas manufactured on the premises.²⁰²

October 1855 however was a turning point as diminishing returns from the Gravel Pits and Golden Point leads sparked a search for the lead in a number of directions. While the westward ventures continued to threaten the township

¹⁹⁷ *The Age*, 21 Feb 1855, page 3 *Ballarat*

¹⁹⁸ *The Age* (Melbourne) Thursday 29 June, 1855 *Ballarat*, page 5

¹⁹⁹ *The Age* (Melbourne) Wednesday 28th June 1855 *Ballarat*, page 5

²⁰⁰ *The Age*, 21st Feb 1855, page 3 *Ballarat*

²⁰¹ *The Age*, Friday 10th August 1855, Mining intelligence *Ballarat*, page 5

²⁰² *The Age*, Saturday, August 11, 1855, *Ballarat*, page 5

premises on Lydiard Street another series of operations had plans of digging up the government camp to the north east. If allowed unrestricted access, the practice of shepherding would have overwhelmed the whole central township grid with shafts on the claims already marked out. Consequently, the Resident Warden of the Gold Department declared a pause on mining while he lodged an appeal to the Governor for direction.²⁰³

However, not to be deterred, township proprietor Thomas Bath took the law into his own hands and organised a prospecting exercise to confirm or deny the likelihood of a reef extending into the township. With the gratitude of a ‘numerous body of miners’ that had gathered, a claim was marked out and a large hole began to be dug out the front of his hotel.²⁰⁴ As Bath and his associates continued to descend without success during 1855, Wymond & Vasey, drapers on the Mair Street side of Lydiard street, also decided to try, announcing that the lead would be found at 240 feet.²⁰⁵ It was the fortuitous find of a branch of the Gravel Pitts lead running in parallel with the Yarrowee that diverted most of the attention southward but nevertheless became an ongoing problem into 1856 as the mining activity moved southward towards White Flat²⁰⁶ and under the basalt of Ballarat South.²⁰⁷

²⁰³ *The Age* (Melbourne) Saturday 13 October 1855, Ballarat, page 6, *The Argus* (Melbourne) Saturday October 13 1855, Domestic Intelligence, 5

²⁰⁴ *The Age* Saturday, 13th Oct 1855

²⁰⁵ *The Age* (Melbourne) Friday 9 November 1855, Ballarat, 6

²⁰⁶ *Portland Guardian and Normanby General Advisor*, Thursday 25 October 1855, Ballarat Gold Fields, 3

²⁰⁷ *The Age* (Melbourne) Wednesday 31 October 1855, Mining Intelligence, 6

Bath's 'fishing expedition' remained a thorn in the side of the township and also with the new municipality in the year following. By June of 1856 he had a turn of fortune having sunk to almost three hundred feet. A party of Cornish miners had joined him with an engine and had declined offers of £500 each for their shares which appeared to be based more on speculation than on any real discovery²⁰⁸. Nevertheless, this had given encouragement to other enterprising groups chasing the south branch of the Gravel Pits Lead. Falling just inside the township's southern boundary along the Yarrowee it would test the authority of the new council in the following year.²⁰⁹

The Geological survey map below, shows the extent of the alluvial shafts (rows of dots) following the Golden Point Lead (left) and Gravel Pits Lead (centre) and Red Hill (right), relevant to this period stopping at the escarpment. The concerns were valid and of great concern considering the width of the Gravel Pits lead and the possibility of them all joining under the township.

²⁰⁸ *Geelong Advertiser and Intelligencer* Wednesday, 4 June 1856, Ballarat, 2

²⁰⁹ *Ibid*, Ballarat, Friday 6 June 1856, 2 *Portland Guardian and Normanby General Advertiser*, Monday 16 June, 1856, Mining on the Ballarat Township, 3, *Ibid*, Wednesday 11 June, 1856, Ballarat, 2

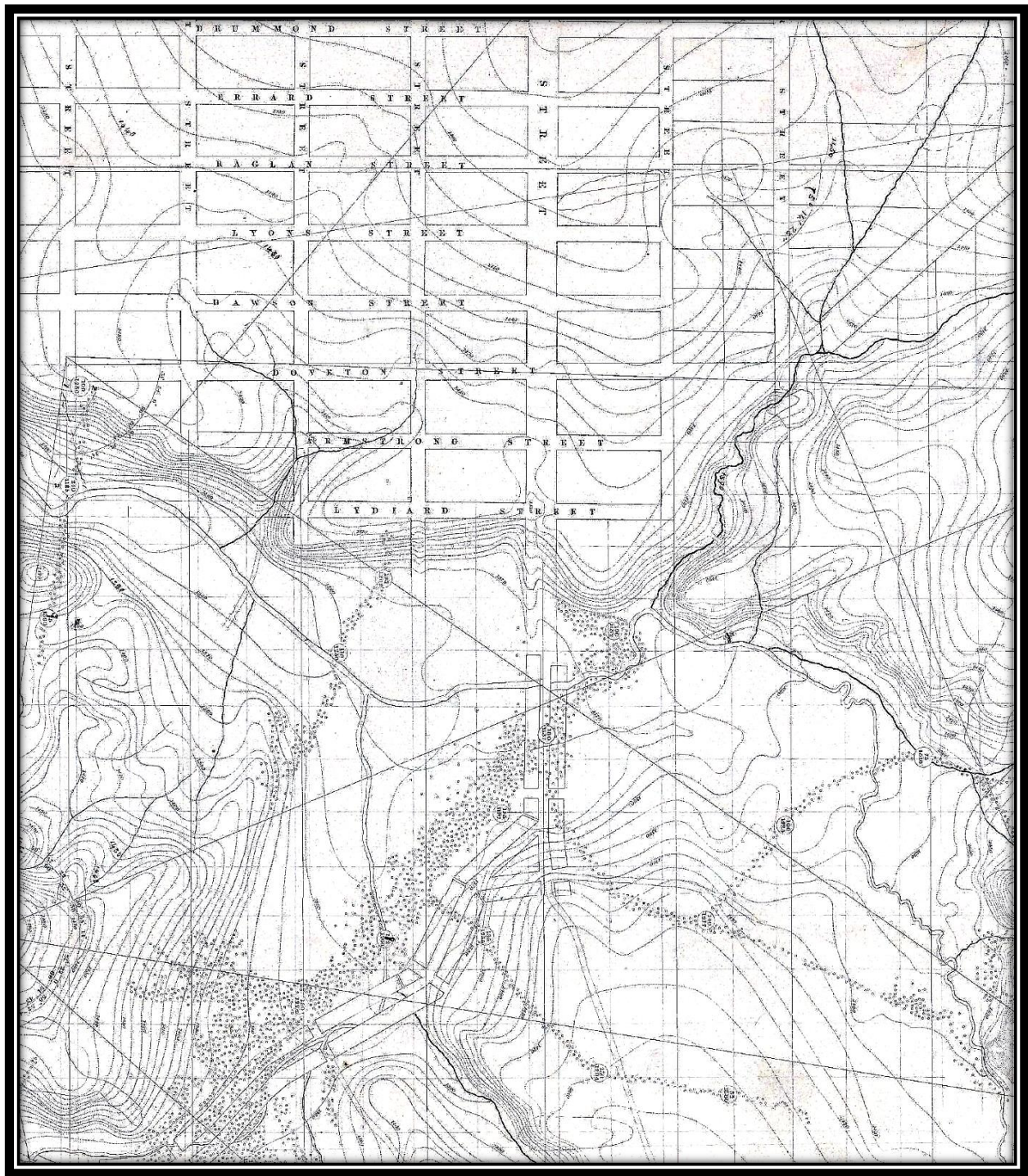


Fig.10. Rows of dots indicating shafts sunk along leads leading to the Township. This survey map is dated 1906, however without the mines along the escarpment or any shown inside the town as does the 1857 survey of Ballarat South, we can assume that it refers to the period 1855 – 1856, VPRS 8168 P0005 GF5

While the issue of mining on the township continued to fester over the course of the year, the coming of the telegraph was greatly anticipated on Ballarat West.

While solidifying faith in the township's future into something more concrete, it was also viewed as the solution to the flow of information, social cohesion and as a deterrent to crime with particular benefit to the commercial interests in the township where an exchange would be located.

Fig.11. Enlargement of Township -shown on Ballarat First Survey 1852, with 1856 proposed sites of Telegraph, Patents Office and new Post Office on Lydiard Street. Note also red lines drawn by the Court of Mines noting possible future mining activity. VPRS 8168 P0005 FEAT 665A

The correspondent for the *Geelong Advertiser* tabled a letter from W H Butcher of the Proposed Joint-Stock Company, listing the benefits of instantaneous communication for ordering, pricing, news as well as putting down unfounded rumours of gold discoveries, greatly reducing the numbers of itinerants wandering the countryside. He also emphasised the crime-prevention merits of the telegraph especially in regard to endemic horse theft as brands could be ‘instantly transmitted to all the places at which horses are usually sold.’²¹⁰

While such endorsements were providing a greater sense of security for Ballarat West, the interests of the miners and traders east of the river continued to cause complications and delays for the process of municipal incorporation that had gained impetus after the law and order crisis in April. This was due to competing petitions raised that represented the township only and another that included the Main Road traders on the eastern side of the Yarrowee River. Unfortunately, as it stood, both petitions were returned with one of them twenty signatures short as the *Age* reports:

Oh, routine, routine! When will you learn that the letter of the law killeth but the spirit giveth life? No doubt, the serious obstruction to our wishes will soon be removed; but while we are straining at gnats at official difficulties, we are swallowing camels in the shape of serious accidents to life and limb, hindrances to business and general discomfort among a population of twenty thousand people, and all because the petition wanted twenty names.²¹¹

²¹⁰ *Geelong Advertiser and Intelligencer*, Electric Telegraph to Ballarat, Thursday 2 August, 1855, 2

²¹¹ *The Age*, Melbourne, Tuesday 14 August, Ballarat, 5

Following this, a meeting was called on Monday 13 August 1855²¹² where it was decided that the petition put up by Mr H R Nicholls²¹³, which included most of the Main Road proprietors, would be replaced by combining them both into one petition that was based on the provisions in the Surveyor-General's Municipalities Act.²¹⁴

This confusion resulted in the final petition being gazetted twice as the Government sought clarification. The second petition gazetted on October 2 1855 thus is a resubmission of the combined petition gazetted on September 4 1855. This clearly indicates the disputed process with the accepted version being an amalgamation of Township landowners and Main Road proprietors and residents who would be part of a future extension, as suggested by the Governor.²¹⁵ Significantly this final version omits most of the officers and councillors of the Municipality with Thomas Comb, the future Town Clerk, and Councillors Robert Muir, William Tulloch, and James Stewart the only participants.

This was a problem that reflected the differences in land tenure. On one hand there were those who had purchased and occupied lots surveyed in the township

²¹² *The Argus*, Melbourne, Ballarat, Monday, 20 August, 1855, 7

²¹³ Due, no doubt to his flood mitigation project at White's Flat on the Yarrowee

²¹⁴ *The Argus*, Melbourne, Monday 20 August, 1855, 7

²¹⁵ *The Age* (Melbourne) Saturday 25 August 1855, Ballarat, For a list of petitioners see Ballarat (Vic.).

Council. *City Council of Ballarat : the Mayor's special report, 25th anniversary, 1881* Ballarat 1881, appendix VII, page 202-205. See also Appendix VI & V, page 199-200, State Library of Victoria\Victoria Government Gazette No. 86 Tuesday September 4 1855, page 2242, No. 97, Tuesday October 2 1855, page 2472, neither of which includes the list of petitioners.

and on the other were those such as the Main Road traders who were occupiers of Crown Land and would not be subject to the authority of the proposed municipality. This difference was at the heart of the East West division. As the Act stated, the petition was to be presented by 300 householders within an area of nine square miles and extended to incorporate an area with an average of thirty-six householders to the square mile. The Ballarat East lots, however in 1855 and at the commencement of the municipality in 1856, were leasehold, Crown land and commercial rather than residential and occupiers would not be required to pay rates or abide by council bye-laws. The township on the other hand immediately met all the requirements of the Act, which proved to be a powerful reinforcement of the validity of the western position.

Thus, once the petition was finalised, the Ballarat West Township faction immediately tossed aside all overtures of accommodation with Main Road aside. A further meeting to address the issue of commercial establishments occupying crown land in the township was immediately called.²¹⁶

With Mr Robert Muir in the chair, a committee was formed to monitor the situation and to petition the Governor to enforce their pre-eminent rights as freeholders. The committee stated that it viewed 'the erection of business premises on unsold lands within the town boundary, as a violation of the rights

²¹⁶ *The Argus*, Melbourne, Ballarat, Monday, 20 August, 1855, 7

of landed proprietors, and it pledged itself to unite for the purpose of obtaining the removal of all such places within the town boundary.²¹⁷ This, no doubt, was due firstly to the loss of rental income endured by squatting, but also by the promise of Acting Governor Haines to consider moving the township boundary 'towards the flat' to incorporate the commercial premises along Main Road.²¹⁸ The intention was to force the issue of making lessees become owners, remove their competitive advantage and significantly boost future rate revenue.²¹⁹ This promise was only partially kept with the eastern municipal boundary extended only as far as the Yarrowee River²²⁰. The option to extend beyond the river nevertheless was seriously considered early in 1856 by the new council with an approach to the Government considered to extend the eastern boundary by two miles to incorporate proposed eastern property sales.²²¹

However, this plan was discarded after incorporation in 1856 in favour of extending southward towards Sebastopol and the new co-operative mining projects.²²² The hard line was maintained due partly to the problems of cost and inconvenience in creating a road three chains wide despite approval given by the

²¹⁷ *ibid*

²¹⁸ *Geelong Advertiser and Intelligencer*, Wednesday August 22, Ballarat, page 2 and Thursday August 30 1855, Ballarat page 3, State Library of Victoria\Victoria Government Gazette, Tuesday, December 18, 1855, page 3275

²¹⁹ *Geelong Advertiser and Intelligencer*, Wednesday August 22, Ballarat, page 2

²²⁰ State Library of Victoria\Victoria Government Gazette, Tuesday, December 18, 1855, page 3275, see Appendix VI, page 201 for proscribed boundaries.

²²¹ VPRS 13007 P0001 Council Minutes March 4 1856

²²² Ballarat South Extension found in Public Records Office VPRS 2500 P0000/1 Ballarat Municipal Council Letters Inward January – December 1856-1857, Council Minutes Wednesday July 23 1856, as published in *The Star* (Ballarat) Thursday July 24, 1856, page 2, see also appendix IX page 208

Central Roads Board to extend ‘the Main Road’ into the southern end of Sturt Street²²³. More importantly in its existing state the Main Road district was not considered compatible with Ballarat West due to ‘its insalubrity as an extension to the township.’²²⁴ This would also have been driven by the expectation of major developments mooted during 1856 such as the telegraph exchange, railway terminus on Soldiers’ Hill²²⁵ and a new post office making them the commercial hub in the near future²²⁶. The relative security of the high ground on the escarpment was always considered their greatest asset especially on the north side of Sturt Street which was less likely to be affected by mining.

With such a multiplicity of competing interests during 1855, it was no surprise to anyone in August 1855 when the *Argus* reported, local progress had stalled under the present arrangement and it was recognized by all concerned ‘that it was high time that some change in public affairs took place ... the want of some official whose duty should be to watch progress and point out the requirements of the township, is most seriously felt’.²²⁷ There was not long to wait, with the emergence of leaders like Robert Muir, of the Melbourne drapery firm Muir Bros, James Oddie of Auctioneers J & T Oddie, Dr. James Stewart, solicitor, Mr

²²³ VPRS 13007 P0001 Council Minutes, February 29, 1856

²²⁴ *ibid*, April 2, 1856.

²²⁵ *The Star* (Ballarat) Thursday September 18, 1856, The Railway Route, page 2

²²⁶ *The Age* (Melbourne) Saturday May 24, 1856, Postal, Rail and Telegraph Communication, page 2

²²⁷ *The Argus*, Melbourne, Ballarat, Monday, 20th August, 1855, 7

Rankin, seeking nomination for foundational positions on the new council early in 1856.



Fig.12. Black and white photo of Ballarat's first Council 1856, Cr Dr J. Stewart, Cr J Oddie, Cr A B Rankin, Cr R Muir, Cr W Tulloch, Cr J S Carver. From the collection of The Ballarat Historical Society, Catalogue No 106.81. This is a collage made much later as all were young men in 1856.

The Municipal council of Ballarat have in their hands a power that is of the utmost importance to the wellbeing of this community, and which is deserving of the utmost consideration. – The Age 22/1/1856

Chapter Six

1856: Ballarat West: Fit and Proper Persons

After his elevation to the Legislative Council in 1855, J B Humffray promptly took on the matter of the Municipality as a priority. On the agenda for the Legislative Council on December 11 of 1855, J B Humffray gave notice as he had on a number of occasions, that on the thirteenth he would be requesting information on the three most pressing issues for Ballarat, the progress on plans to erect a court house and County Court, to grant municipal institutions to Ballarat and the progress on the telegraph from Geelong to Ballarat.²²⁸ The petition was granted on 15 December 1855 and formally announced in the press on 24 December 1855.²²⁹

There was little time wasted in taking advantage of the attainment of the new status for Ballarat. In less than two weeks after the announcement in the press and despite all the festivities of the Christmas and New Year period, a meeting was called for Saturday 5 January 1856 for the purposes of proposing the composition of the new council.²³⁰ Noticeably missing from the description of

²²⁸ *The Geelong Advertiser and Intelligencer*, Wednesday December 12, 1855, Wednesday Morning, December 12, 2

²²⁹ William Bramwell Withers, *History of Ballarat*. Ballarat Star, Ballarat, 1887, p243, *The Geelong Advertiser and Intelligencer*, The Municipal Extensions Act, Monday December 24, 1855, 3

²³⁰ *The Geelong Advertiser and Intelligencer*, Monday, 7 January 1856, Ballarat, 3

the meeting was any representation from Ballarat East or the mining interests, as the press reported that there was a ‘large attendance comprising the most influential portion of our trading and legal community.’

The names mentioned as possible candidates were ‘Messrs Lynn, Douglass, Oddie, French, Rainy, Seekamp, Muir, Wigley, Dunne, Welsh’, all long term and well-established owners of multiple lots in the township. This contrasts with similar moves in Sandhurst that were not taken seriously with names put forward that included Lord Nelson, Lord John Russell, Charles Dickens and General Simpson.²³¹ All accepted nomination except for Wigley and Douglass (of Rankin & Douglass gold brokers) with Douglass, after some dispute over the status of the returning officer, agreeing to stand in as temporary chairman until a formal election took place. The meeting was described as very animated and indicative of the degree of interest and commitment shown by those present, auguring well for the future²³². Once this was settled, the first order of business was the formation of a committee for the establishment of a fire brigade. An agreement was made to meet a week later to take nominations and for the declaration of a poll the following day with both to be held in the ‘large room’ of the Golden Fleece Hotel on Lydiard Street North.²³³

²³¹ *Bendigo Advertiser*, “Progression: our rights and our resources”, Tuesday January 8 1856, 2
ibid Thursday 10 January, 1856, 2 *ibid*, Saturday January 12 1856, 2

²³² *The Geelong Advertiser and Intelligencer*, Monday, 7 January 1856, Ballarat, 3

²³³ *Geelong Advertiser and Intelligencer*, Ballarat, Monday 7 January 1856, page 3, & Wednesday 16 January 1856, page 2, Ballarat.

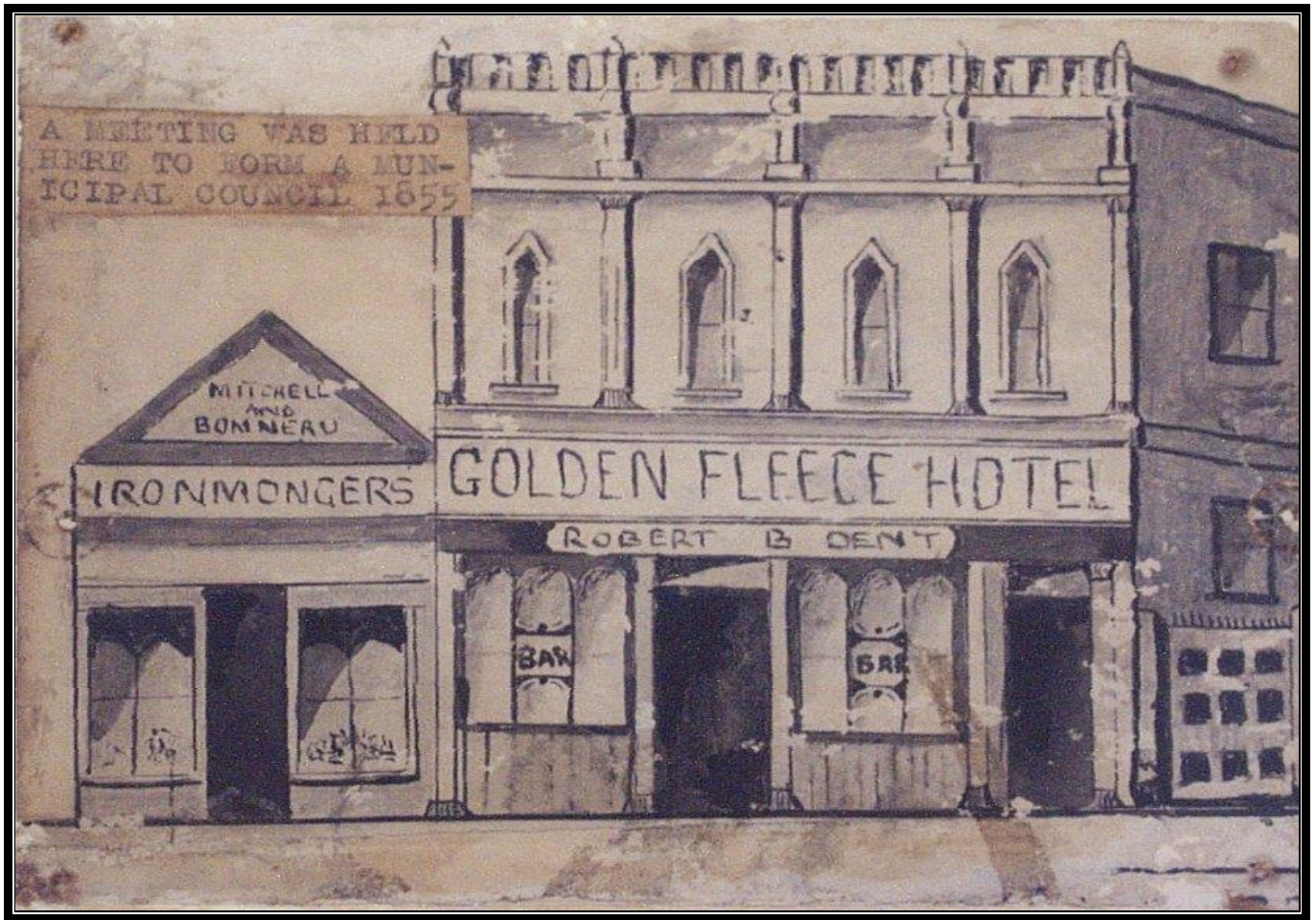


Fig. 13 *Golden Fleece Hotel in Lydiard Street where the first meeting took place to discuss the formation of the council in 1855, from the collection of the Ballarat Historical Society, Ballarat Victoria, catalogue No 248.81*

This important meeting followed immediately after a sale of town lots over the previous two days where fifty lots were put up for sale. Many ‘old miners and mechanics were described as eager purchasers intending to build comfortable cottages and settle down, using Ballarat as base to take advantage of any new finds. It was also noted by the *Geelong Advertiser*, that several Geelong residents had made purchases. By far however, the overwhelming majority of lots sold, were existing owners and occupiers, who were increasing their holdings.²³⁴ This

²³⁴ *Geelong Advertiser and Intelligencer*, Ballarat, Monday 7 January 1856, 3, see also rate book for 1856 where J Jackson, R. McNiece, T. Randall, J Chisholm, D.F.Main, W Stewart, T Oddie, E A Wynne, Tulloch & McLaren, all appear as owners of multiple lots.

was a solid endorsement of the view becoming more prevalent among those on the township, that permanent settlement should take precedence over mining, the preservation of the Surveyor General's original and amended plans, existing streets, and reinforcing the need for official municipal management and organisation as an essential foundation for economic and civic progress.

A week later the events passed by with little notice or fanfare, a great contrast to the laying of the foundation stone of the Ballarat Hospital on Christmas Day 1855, colourfully attended by the Masons and the Oddfellows just three weeks prior,²³⁵ and the long, factionalised and confused process of the Miners' Court elections.²³⁶ By contrast, the meeting to call for nominations for the members of the Municipal Council, was very different. This foundation event held on 14 January 1856 in the large room at the Golden Fleece Hotel, was described by correspondents from the *Age* and the *Geelong Advertiser* as 'not very numerously attended' even though open to all landowners and householders of the district and 'the whole proceedings were of little interest.'²³⁷ The general lack of interest continued into the next day as the poll was declared open. The *Times*

²³⁵ *The Age*, Melbourne, Vic, Ballarat, Monday 31 December, 1855, 7

²³⁶ *The Age*, Melbourne Vic, Ballarat, Friday 18 January 1856, 3 & *Geelong Advertiser and Intelligencer*, Wednesday 16 January, 1856, Ballarat, 2

²³⁷ *The Age*, Melbourne, Ballarat, Friday 18 January 1856, 3, The *Geelong Advertiser and Intelligencer*, Wednesday 16 January, 1856, Ballarat, 2: This description differs from that of Nathan Spielvogel in the *Spielvogel Papers, Vol. 1, Version 3* First published 1974, edited by J A Chisholm MBE, p1 & 73 where he states that the meeting was taken over by a Ballarat East crowd leading to its abandonment. According to Spielvogel, the meeting was rescheduled for the 14 January at Bath's Hotel where police refused entry to Ballarat East residents and the councillors and officers were elected.

and *Southern Cross* article of 17 January reproduced in the *Age* observed prophetically:

Many people are inclined to treat the whole affair as ordinary and commonplace, and not worthy of more than a passing thought, but they are labouring under a mistake as events will soon prove. The Municipal council of Ballarat have in their hands a power that is of the utmost importance to the wellbeing of this community, and which is deserving of the utmost consideration. Anyone carefully reading the act for the establishment of Municipal Councils as published in yesterday's Times, will see the importance of their trust and the extensive power they possess.²³⁸

The scepticism of the press however, was unfounded. Although not as numerous, entertaining or as boisterous as the Miner's Court elections, a fair crowd arrived on Tuesday 15 January for the vote open for the property-owners and residents in the township. The proceedings were conducted free of controversy with the turnout and behaviour of the crowd indicative of the overwhelming support for the new administration in the community. Eleven hundred and fifty-one votes were cast from which the first seven were selected. The successful candidates were:

James Oddie	132 (Land Agent and Auctioneer)
Robert Muir	126 (General Merchant/Draper)
Dr. J Stewart	115 (Medical Practitioner)
W. Tulloch	107 (Merchant – wines & Spirits, horses and general)
A.B. Ranken	97 (Gold Buyer)
J.S. Carver	81 (Government Land Agent and Auctioneer)

²³⁸ *The Age*, Melbourne, Ballarat, Tuesday 22 January 1856, 3

An interesting result was the lack of endorsement for Henry Seekamp, editor of the *Ballarat Times* who had led opposition to the miners' license fee, receiving only 17 votes, presumably owing to his on-going disagreement with fellow proprietors at the *Star*²³⁹. Once concluded, they all adjourned to the George Hotel where the 'health of the Chairman, the successful and unsuccessful candidates was pledged in some of Howe & Herring's best champagne.'²⁴⁰

During the following week a town clerk was appointed with Mr Joseph Comb the successful candidate and advertisements were placed for valuers in preparation for rating the new municipality. This was a much needed and anticipated development that began with no reported protest or opposition as the residents were eager to see some well-deserved and needed improvements making Ballarat a 'neighbourhood somewhat more civilized in so far as the means of communication are concerned'²⁴¹. By 1 March the surveyor Samuel Baird, a man with considerable experience in the west of Scotland, was appointed along with the inspector Alexander Dimant.²⁴² The Chairman James Oddie, was sworn in as a Justice of the Peace.²⁴³

²³⁹ *The Geelong Advertiser and Intelligencer*, Ballarat, Friday 18 January, 1856

²⁴⁰ *The Geelong Advertiser and Intelligencer*, Ballarat, Friday 18 January, 1856, *The Age*, Melbourne, Ballarat, Saturday, 19th January, 1856, 3.

²⁴¹ *Geelong Advertiser & Intelligencer*, Ballarat, Tuesday 29th January 1855, 2

²⁴² Alexander Dimant's contribution to establishing and maintaining sanitary and regulatory guidelines was both lengthy and highly valued, given special mention at the First Grand Gathering of The Ballarat Pioneers in August 1872, he is mentioned with J.Oddie, T Bath, H Foster, Warden Daly and other notables, *Ballarat Star*, Tuesday, 27th August, 1872, The Ballarat Pioneers, 2

²⁴³ *Geelong Advertiser & Intelligencer*, Ballarat, Tuesday 4th March, 1856, 4

The political significance of this foundational period however, is ignored in Bate's account of Ballarat, overlooking the efforts of local residents and proprietors, J B Humffray and the Victorian Reform League, interpreting the creation of a municipality in Ballarat West as due primarily to the pressure from 'fantastic development'²⁴⁴. However, it could also be argued that the active political, cultural and economic presence of middle-class urban citizens in Ballarat was informed by the growing British trend of middle classes in increasing numbers of taking office in local government after the reforms of 1835.²⁴⁵ Manchester, eerily similar to Ballarat and its Eureka moment in 1854, a generation earlier had experienced the Peterloo massacre in 1817 in response to oppressive corn laws and the price of bread leading eventually to free trade reforms. Events such as this mobilized the lower classes against injustice and tyranny being significant contributors in the loss of support for local Tory administrations as Liberal hegemonies were established in some cities that lasted for decades.²⁴⁶

However, without a past infrastructure that derived moral and civic authority from a feudal past, the middle-class group of local entrepreneurs of Ballarat were able to successfully establish the new council with little or no legal resistance

²⁴⁴ Weston Bate, *Lucky city: the first generation at Ballarat 1851-1901*, p165-166

²⁴⁵ E P Hennock, *Fit and proper persons: ideal and reality in nineteenth century urban government*, Edward Arnold, London 1973, pp 182-186, Hennock's Leeds surveys from 1835-1960's shows an immediate changing of the guard from Tory industrialists to Liberal/dissenters, professions and small business people.

²⁴⁶ V A C Gatrell, 'Incorporation and the pursuit of liberal hegemony in Manchester 1790-1839', in Derek, Fraser ed., *Municipal reform and the industrial city*, Leicester University Press, New York, 1982, pp 16-52, E P Hennock, *Fit and proper persons: ideal and reality in nineteenth century urban government*, pp179-227

from entrenched interest groups to their right to local rates and taxes. The group was well connected commercially and stable, serving the people of Ballarat at least for the period of this study, competently with very little infighting or open conflict. In his description of the election the *Times and Southern Cross* correspondent conveyed his impression of the proceedings under the banner of ‘Advance Ballarat’:

It was not a turbulent, factious party, rabble sort of election, but one conducted with all that solemnity and decorum that it deserved. ... Since Mr Layard’s happy speech, the watchword of progress has been ‘the right men in the right place,’ and never, we believe, has the principle been carried out so fully as at the election yesterday, and the principle has been still further carried out today by the judicious choice of the chairman from among the members of the council. ... to advance the prosperity of the community ... if we all pull together ... we may yet see Ballarat the first city in Australia.²⁴⁷

The *Age* thus expressed hope that Chairman James Oddie and his colleagues, like Layard, the British independent member for Aylesbury,²⁴⁸ a fighter of privilege and champion of fairness and an advocate of progress in government would also attract the same sort of esteem. James Oddie particularly fitted the mould. Shown by Anne Beggs-Sunter he was a highly respected local businessman (auctioneer) deeply committed to political causes and an active supporter of fairness in business²⁴⁹.

²⁴⁷ republished in *The Age* Melbourne, Tuesday, 22 January 22 1856, 3

²⁴⁸ *The Age* (Melbourne) Monday August 6 1855, Attacks on Mr Layard, page 6

²⁴⁹ Beggs-Sunter, Anne, James Oddie, (1824-1911) his life and the Wesleyan contribution to Ballarat, MA Thesis, Deakin University, 1989

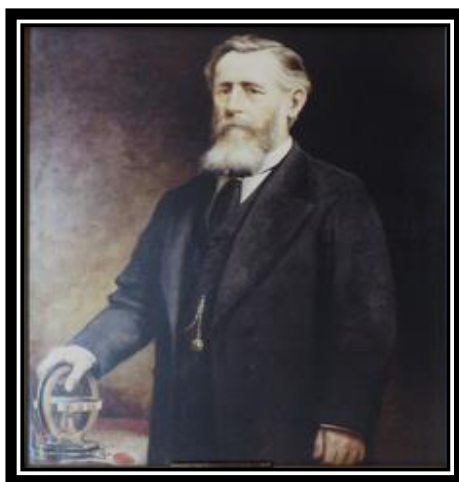


Fig 14. Chairman James Oddie From the Collection of Federation University Australia Historical Collection (Geoffrey Blainey Research Centre) Federation University Australia E.J. Barker Library (top floor) Mount Helen Victoria *Copy of a painting of James Oddie* held by the Art Gallery of Ballarat. Object registration 18825

Later in the year Mr Oddie took a personal interest in the occupation of unsold land below Lydiard Street to the Yarrowee by a few local notables. In one case in particular, Mr Rainy the Lawyer had mounted appeal after appeal against removal orders on land reserved for the Mechanics' Institute.²⁵⁰ A cunning and difficult operator he had aroused the ire of Oddie by his blatant lack of civic sensibilities.²⁵¹ In commenting on Oddie's actions, Warden Sherrard of the Gold Department declared: 'he (Oddie) would rather be clement to a blacksmith, or the keeper of a fruit stall, than to a wealthy man who would not lay out the money to purchase a freehold.'²⁵²

²⁵⁰ Council Minutes Wednesday 10th September 1856, as published in the *Ballarat Star* the next day, page 2

²⁵¹ Lawyer Rainy had declared that he was only going to stay in the colony for three years boasting that in the short time he had been there, he had already made £2000 – see Council minutes as published in the *Star* 18th Sept 1856, page 2, However, his overconfidence took a blow when he purchased most of the residential lots released at Clarendon on the Geelong Road – a gamble that never paid off as expected.

²⁵² Comments made by Warden Sherrard as relayed to the Council by Mr Oddie, see Council minutes Wednesday, 17th September, 1856, as published in the *Star*, Thursday, 18th September, 1856, Municipal Council, 2.

His political affiliations were likewise just as clear, chairing the Ballarat Early Closing Association and the local eight hours movement.²⁵³ In their well-attended meeting on 9 October 1856, Mr Oddie commenced by commenting on the justice of shorter hours but was also committed to doing something about it.²⁵⁴ Oddie was also personally committed to the political career of Irish ex-patriot Charles Gavan Duffy, chairing the local meeting to help raise the £2000 needed for his property qualification. In the company of other well-known Eureka activists Black, Seekamp, and Nicholls a committee was formed of which he was a member, to actively canvass the district for donations.²⁵⁵ His commercial acumen was of the highest calibre, serving as a director of the local branch of The Bank of Victoria²⁵⁶ along with fellow councillor Dr James Stewart both of whom in addition were also named along with other dignitaries such as Warden Sherrard and J B Humffray as trustees of the newly announced savings bank²⁵⁷ established in anticipation of a boom in freehold occupation south of Sturt Street.

James Oddie, in response to the miners' right legislation in 1857 had formulated a plan to erect homes for the district miners on the township in Ballarat South to take advantage of the co-operative mining ventures opening up on the deep leads extending south to Magpie. Unfortunately, his intentions were temporarily

²⁵³ *The Age*, Melbourne, Friday, 2nd May 1856, The eight hours question at Ballarat, 3

²⁵⁴ *The Ballarat Star*, Saturday 11th October, 1856, Ballarat Early Closing Association, 2

²⁵⁵ *The Age*, Melbourne, Saturday, 29th March 1856, Ballarat, 3

²⁵⁶ *The Star* (Ballarat) Thursday 25th September 1856, page 4 (advertisement)

²⁵⁷ *Ibid*

thwarted during 1857 by misinformation and the local Gold Department that prevented the municipality from exercising any jurisdiction over the unsold lots in Ballarat South²⁵⁸. Despite this early setback, the first Council under his leadership, was later given credit for implementing this popular scheme together with Duncan Gillies and Mr Fraser of the local Miner's Court, opening up large sections of the district to affordable home construction.²⁵⁹

Although not as politically active as James Oddie, Robert Muir was prominent in chairing a meeting with local activists such as James Oddie, Thomas Bath and C F Nicholls on 9 May 1855 supporting efforts by the Victorian Reform League in negating the influence of the squatting interest in the framing of the bill for political enfranchisement on the goldfields²⁶⁰. However, Robert Muir's contribution in the establishment phase of the municipality is remarkable. He is not remembered in Bate's history of Ballarat as among its eminent founders but what he achieved in the three years he is known to us is substantial. With an excellent pedigree in commerce and politics, he was one of five well-travelled brothers who emigrated to Australia for the purpose of achieving mercantile success. The eldest brother was William Patterson Muir, a respected Melbourne merchant, who could be more accurately described as his mentor and possibly advisor, considering his many trips to Melbourne.

²⁵⁸ *The Star* (Ballarat), Thursday November 12 1857 page 2, 'Meeting At Council Chambers'

²⁵⁹ *The Star* (Ballarat) Friday 1 April 1904, page 2, A Pioneer Citizen, see also Anne Beggs-Sunter, *James Oddie, (1824-1911) his life and the Wesleyan contribution to Ballarat*, MA Thesis, Deakin University, 1989, page 63

²⁶⁰ *The Geelong Advertiser and Intelligencer*, Thursday 10 May 1855, 2

A citizen of the world would be an accurate description of the older brother having served some years on the legislature of British dominions in the Caribbean as well as achieving business success in Scotland. He was a member of the Melbourne Chamber of Commerce enjoying a personal affiliation with O'Shanassy and had been approached on a number of occasions to stand for office in the old and new parliament.²⁶¹ Robert Muir along with his older brother are named as members of the board of directors of the Colonial Bank of Australasia²⁶² as well as being the proprietors of a number of trading establishments – two in Ballarat East, one in the Township on Lydiard and Dana streets and a successful store in Melbourne as well as a successful farm on the outskirts of Ballarat of 171 acres.²⁶³

Apart from his role with J B Humffray in initiating the law and order measures and the call to petition for the municipality, as a councillor Robert Muir was also heavily involved in the founding of many local initiatives. He was elected as the founding chairman of the Chamber of Commerce, a position he declined due to inexperience.²⁶⁴ He was also chairman of the Agricultural Society²⁶⁵ as well holding the highly influential position as Foundation President of the Ballarat branch of the District Roads Board²⁶⁶ and serving on the committee for the

²⁶¹ *The Star* (Ballarat) Thursday 24 July 1856, Melbourne, 2

²⁶² *The Star* (Ballarat) Saturday 8 November 1856, Colonial Bank of Australasia, 2

²⁶³ *The Star*, (Ballarat) Friday 26 February 1858, Insolvent Court, 3. See also the *Star* (Ballarat) Friday 14 August 1857, Supreme Court, 2 for a summary and verdict.

²⁶⁴ *The Star*, (Ballarat) Saturday 6 September, Chamber of Commerce, 2

²⁶⁵ *The Star*, (Ballarat) Tuesday, 19 August, Advertising, 3

²⁶⁶ *The Star* (Ballarat) 25 October 1856, District Roads Board, 2

Ballarat Industrial Institute²⁶⁷ as well as being the main advocate of a hard-line approach to the traders on Main Road²⁶⁸.

Unfortunately, his promising career was cut short by a series of legal actions against him over the course of 1857 and 1858.²⁶⁹ The story of Robert Muir as a local political and commercial leader ended towards the end of 1857 as he resigned his official positions due to insolvency. A significant factor in this turn of events was a successful law suit against him for breach of promise for not marrying his fiancée. The awarded damages of £2000 significantly affected business relationships with a number of creditors simultaneously calling in their securities shortly after.²⁷⁰

Another person of note was Alexander Dimant the town inspector of Jewish extraction,²⁷¹ given acclamation at the pioneers' memorial dinner in 1872 along with other notables like James Oddie, for his support for the supply of educational materials to the library and Mechanics Institute.²⁷² His role was designated as Inspector of Nuisances, but he also served in many other capacities with sworn authority as a special constable. This gave him wide powers of arrest and the ability to enter premises as well as the ability to prosecute. Sanitary

²⁶⁷ *The Star* (Ballarat) November 1 1856, Ballarat Industrial Institute, 1

²⁶⁸ *The Argus*, Melbourne, Monday 20 August, 1855, 7

²⁶⁹ *The Star* (Ballarat) 13 August 1857, Supreme Court, 2, *The Age*, (Melbourne) Saturday 15 August 1857, Matrimony and Mammon, To the Editor of the *Age*, 6, *The Star* (Ballarat) Friday August 14 1857, 2

²⁷⁰ *The Age*, (Melbourne) Saturday August 15 1858, Insolvent Court, Monday 12 July 1858. (Before F Wilkinson, Esq. Chief Commissioner) in *Re Muir Brothers*, 2

²⁷¹ *The Ballarat Star*, Saturday, 6 October 1888, Ballarat Chronicles and Pictures, (W B Withers), 4

²⁷² *The Ballarat Star*, Tuesday 27 August 1872, The Ballarat Pioneers, 3

matters were his primary concern but he also saw it his duty to ensure all bye laws were adhered to. He was well known for prosecuting on trading violations, weights and measures, burning off, building code violations and animal husbandry violations.²⁷³ While Mr Dimant's enthusiasm for the new regime was no doubt due in some degree to his right to a part of fines collected²⁷⁴ and the building he was provided with by the council in his capacity as council messenger,²⁷⁵ he nevertheless was both feared and respected by all as he showed no partiality in the execution of his duties. A good example of this was his long-running dispute with councillor Carver over his water closet which Mr Dimant deemed unsanitary and not compliant to legislation.²⁷⁶

While municipal matters were of primary importance, the men selected were also men of ambition for the success of the Ballarat district and viewed the municipal council as an important step in facilitating a modern and progressive agenda.

They were also 'safe' choices with no Eureka activists, all firmly committed to progress and British Liberalism. With newly attained powers of jurisdiction over planning and development and maintenance of local infrastructure, there was no

²⁷³ See for example, *Dimant vs McCullough* for illegal Sunday trading, and *Dimant v Carmichael* for roaming pigs on the township streets, *the Star*, Ballarat, Summons Cases, Saturday, 25 October 1856

²⁷⁴ This right was confirmed by a letter from the Attorney General, see Council minutes for Wednesday 10th September 1856, as published in the *Star*, Ballarat, Municipal Council, Thursday 11 September, 1856, 2

²⁷⁵ VPRS 13007 P0001 Council Minutes, 2/4/1856 and 8/4/1856

²⁷⁶ See Council minutes for Wednesday 3 December as published in the *Star* Saturday 6 December Municipal Council, 1, councillor Carver raised this as a matter of discussion but Mr Dimant had the full backing of the Chairman and the council, he was told by them 'that if he did not follow the direction of the Town Inspector, that officer could summon him to the Police Court, where the matter would be investigated.' The Councillor was summonsed in Dec that year. See Council Minutes 21 December. This appears to conveniently coincide with a campaign to have Carver removed from the council over his passionate backing of the market square location in Mair Street.

time wasted in moving forward on a number of fronts. In relatively quick succession important initiatives were started in the district strongly supported by the newly sworn councillors. One of the most influential was the Chamber of Commerce with an inaugural meeting called on Tuesday 5 August 1856.²⁷⁷

Once again, as with the beginnings of the movement towards the municipal council, the meeting was led by Robert Muir and J B Humffray working in concert. Nominated for the chair, Councillor Robert Muir opened the proceedings and gave an illuminating address as reported by the *Star*

Correspondent:

As an inland town in the Australian Colonies they were assured that it was second to none, and he believed that here-after it would be second to none to no inland town in all of Her Majesty's dominions. ... The amount put on the estimates for improvements to Ballarat was absurd. This was a matter which a Chamber of Commerce could deal with. They required inland communication by railroad before Ballarat could be great, commercially or otherwise.

With Geelong, viewed by Dr Allison as the 'seaport of Ballarat,' it was deemed necessary to promote this as a priority.

J B Humffray then moved for the resolution and then commented that the Chamber of Commerce was a necessary adjunct to the Municipal Council as their jurisdiction was not complete over the district. A large number lived outside of the township boundary and remained at the mercy of the Central Roads Board that operated to suit themselves and unsold lands within the township were the property of the crown under administration by the Gold Department. A Chamber

²⁷⁷ *The Star*, Ballarat, Ballarat Chamber of Commerce, 7 August, 1856, 3.

of Commerce thus could be an intermediary body that could lobby between the public and the government on necessary public works. He also reinforced the importance of attaining access to the electric telegraph to be ‘quickly and thoroughly informed of the state of Melbourne markets’ to avoid injury to local commerce by price variations and gluts²⁷⁸.

Mr Rodier, of the yet to be formed Ballarat East Council, reminded them also, that it was necessary to have a body such as this to properly represent the interests of the local community in Melbourne. He reminded them that a great deal of hardship had been inflicted by Government Acts over the past two years largely unintentional but nevertheless caused by the lack of proper representation²⁷⁹.

The next major initiative was the proposed Ballarat Industrial Institute at a meeting convened on Tuesday 28 October 1856. Its aims were to keep abreast of innovations in ‘the arts and sciences in connection with the mining, manufacturing, and general interests of the district’ by periodical meetings and exhibitions. At the first meeting in the Star Concert Room, a resolution was passed to make an application to the government for a grant of five acres and £3000 to erect the building. The local members for North Grant and North Grenville were appointed as *ex-officio* members. Among the office bearers named were Councillors R. Muir, treasurer and J. Oddie on the committee of

²⁷⁸ *ibid*

²⁷⁹ *ibid*

twelve.²⁸⁰ It was an ambitious enterprise with ambitions that far eclipsed those of the Chamber of Commerce.

The first resolution proposed by Mr Baker (promoter of the Bakerian System) to establish the Institute was he said, proposed with

a feeling of pleasure and a feeling of regret. The feeling of pleasure arose from the conviction that the movement, if carried out, and he felt convinced that it would be, would be beneficial not only to the district of Ballarat, but to other districts, to the whole colony, and perhaps to the whole world.²⁸¹

But, like the Chamber of Commerce it was viewed as a project that was representative of the unique liberal values that characterised the colonial culture. This came on the back of a growing technological emphasis, as solutions to mining and to the supply and containment of water issues were being addressed locally.²⁸² Though it failed to flourish it remains in indication of the local technological and innovatory emphasis that was behind the creation of the famous Ballarat School of Mines. Thus, once established, the influence of the new municipal body was pervasive in almost all aspects of local governance, not just land and services.

²⁸⁰ *The Star*, Ballarat, Ballarat Industrial Institute, Thursday 23 October, 1856, 2

²⁸¹ *The Star*, Ballarat, Ballarat Industrial Institute, Saturday, 1 November, 1856, 1

²⁸² See H R Nicholls letter to the *Ballarat Star* 6 Sept 1856, page 2, where he describes the work of the White Flat Drainage and Mining Company, in damming the Yarrowee and constructing races to divert flood waters using steam technology. See also Casselli's letter to the *Ballarat Star*, on 4 Sept 1856 on the benefits of ceramic over iron pipes in the proposed water supply system and the fact that all the talent and raw materials were located locally for their manufacture.

Chapter 7

Local Authority 1856-1857

Effective administrative functions began from the meeting on 28 January 1856 and it was clear from the outset that this was a practical and committed Council. One of the first binding regulations addressed attendance to Council Meetings. It was agreed and placed on the record that any member of the council absent fifteen minutes after the appointed hour would be fined a sum of no more than five shillings and if absent the whole time without reasonable excuse, ten shillings, with the fines to be contributed to a local charity.²⁸³ The first to fall foul of this rule was Councillor Stewart who was fined ten shillings for non-attendance on 5 February 1856²⁸⁴. Of equal importance was the place of meeting with local Hotels (Golden Fleece and Bath's) being very inappropriate as a permanent arrangement. Official notice was thus received by solicitor Wigley of the grant of land requested for council chambers and was presented to the chairman.²⁸⁵ This section of land was originally granted to Taylor the district surveyor for his office and residence. However, in recognition of the importance of the position, Mr Taylor very generously agreed to ask the Surveyor General to allocate the lot to the new council.²⁸⁶ In a truly remarkable effort that took just

²⁸³ VPRS 13007 P0001 Council Minutes 31 Jan 1856

²⁸⁴ *ibid* 5 February 1856

²⁸⁵ *Ibid*, 28 Jan 1856

²⁸⁶ *Ibid*, Public Records Office VPRS 2500 P0000/1 Ballarat Municipal Council Letters Inward January – December 1856-1857, see original letter appendix VIII page 206

over three months, the Council Chambers had been commissioned and erected on the site at a total cost of £662 which included all the fixtures and fittings.²⁸⁷

However, while enjoying such a positive endorsement from the Surveyor, relations with the Roads Board were not as cordial, deteriorating as the year progressed. With extensive powers over district roads, construction, rates, levies and tolls it had enjoyed a close and well-established connection with the Colonial Public Works Department. Municipal authority had to be asserted as old channels of communication remained in place. By the end of July 1856 irritations with the disrespectful actions of the Central Roads Board, particularly their Engineer Mr Rowand, who was based in Geelong, had reached boiling point.

A very sarcastic letter was received from Mr Rowand over temporary drainage undertaken by the Council in Sturt Street, suggesting that seeing as they were doing improvements they could do all of Sturt Street themselves. At the same time, the Central Roads Board under Mr Rowand were also operating a quarry at the Western end of Eyre Street within the Council boundary without municipal sanction. The operator, a Mr Breganza, had refused to comply with a request from the Council to desist as his reply was that he only answered to Mr Rowand. The Council thus moved at the next scheduled meeting, that as the District Roads Board were treating the new council 'like a parcel of children who had nothing

²⁸⁷ Mary Sandow, *The Town Hall Ballaarat 100 years, Ballaarat City Council*, 1970, page 6

to do with the township' they would have to appeal to the Government to have it stopped.²⁸⁸ By October, however a more permanent solution was found as an Act of Parliament declared that the districts could elect their own District Roads Board.

A meeting was held for this purpose on Friday 24 October 1856 at the Court House on the Camp, and nine members were elected from a well-attended group of interested hopefuls with 707 votes cast. The election took place under the oversight of Council Chairman Oddie and Councillor Stewart, with Robert Muir voted into the chairmanship. W C Smith who became a councillor in 1857, was also elected.²⁸⁹ This ended the reign of the Central Roads Board and Mr Rowand over local affairs and provided an effective working relationship with the Council with at least two members closely connected to its operation.

It is clear that along with J B Humffray, the project of local control as well as central access to power was creatively achieved in spite of the limitations of the Municipal Corporations Act. There can be no doubt about his liberal political credentials when we see his guiding hand so closely involved as the Miners' Programme was enacted.²⁹⁰ The program as reported by the *Age* was essentially the development of the regions based on three issues: the Land Question – to

²⁸⁸ Municipal Council Minutes for Wednesday 30 July 1856, published in the *Star* Thursday 31 July 1856, 2

²⁸⁹ *The Star* (Ballarat) Saturday 25 October, 1856, District Roads Board, 2

²⁹⁰ So-called by *the Age*, Melbourne, Thursday 2 October 1856, The Miners' Programme, 4.

induce miners to spend their riches on land and permanent settlement; mining on private property, and Local Government and decentralization of public works.

This programme was much more than enfranchisement and representation; it was essentially the economic, political and social development of the goldfield regions which certainly was not just limited to the miners themselves but was in accordance with the aims of the Government as the tone of the 1855 Commission of Inquiry indicated. The *Age* states:

The fullest powers of self-government must be granted to the miners. All tendency to unnecessary centralization in the Government must be closely guarded against. Every great central locality must be accorded its fair share of the public expenditure for local objects. Every possible encouragement to social improvement must be held out to miners. In schools, literary institutions, hospitals and so forth ... in a word, miners must be regarded as an integral and most valuable section of the general community and not as a horde of social aliens.²⁹¹

However, the program was primarily based in the expansion of private land ownership and the ability to levy rates and this was where the major challenge to the authority of the new municipality was based. Just because the municipality boundaries were clearly defined, it not did necessarily follow that their authority did also. Exercising authority was hard work, involving a great deal of correspondence and liaising with other government agencies. In the district it was also clear that jurisdiction was not well understood by officials of the relevant agencies resulting in long delays, prevarication and sometimes confusion as to who could make decisions over land and its uses.

²⁹¹ Ibid

Nevertheless, despite being twice reminded by the Attorney General that the municipal council had no jurisdiction over unsold lands,²⁹² the new council continued to use the power of bluff to exert authority. In the case of Rainy the lawyer, it proved unsuccessful and their impotence was also further reinforced by the dispute with the public works department in the removal order for two ramshackle buildings that were obstructing the Bank of Australia and encroaching into the roadway on Sturt and Lydiard Streets. In this case, the Council were advised that they would have to wait the pleasure of the Public Works Department as replacements were organised in a new location.²⁹³

At the same meeting correspondence was also aired from the Attorney General and Solicitor General advising the Council that they had no jurisdiction over those involved in leasing arrangements with the Colonial Government attempting to put an end to the Ballarat West's direct campaign against the Main Road traders in Ballarat East and any other such establishments within the municipal boundaries.²⁹⁴ Not to be deterred however, an appeal was made to the Resident Warden to exercise his powers to get such commercial activity to cease.²⁹⁵ The Councillors were encouraged by the response from the Acting Resident Warden Daly, requesting a list of such establishments which was ordered to be furnished as quickly as possible.²⁹⁶ However, this process became further complicated as

²⁹² VPRS 13007 P0001 Council Minutes, Wednesday 30 April 1856

²⁹³ Ibid.

²⁹⁴ VPRS 13007 P0001 Council Minutes, Wed 30 April 30 1856

²⁹⁵ *ibid*

²⁹⁶ *ibid*, May 7 1856

the local Miners' Court entered the debate claiming that any dispute over land allocations under the Miner's Right Legislation was their responsibility. This gave a green light to many local miners who began occupying lots on the new extensions in Ballarat South and on Soldiers Hill from the second half of 1856. The new township extension into Ballarat South dated 5 March 1857 illustrates the enormity of the task that confronted the council. Although surveyed, a significant portion of the land was either impassable with deep gullies or subject to mining activity. In addition, tents and other structures were scattered across marked lots and streets with little regard for the planning of the area. By the end of 1857 most of these lots would be occupied by those waiting in anticipation of the new bill on the occupation of crown lands.²⁹⁷

²⁹⁷ Ballarat Rate Assessment Books VPRS 7260/P0002/2 1857 -1858 Although still crown land, most lots were occupied and valued and expected rates listed in preparation of lots being sold in the near future - Appendix 4



----- Mining Lead with shaft ■ Tent or other unofficial structure such as a bark slab hut

Fig.15. Proposed Ballarat South Extension 1857 with surveyed lots detailing terrain, mining activity and occupation Ballarat South Extension, Public Records Office VPRS 2500 P0000/1 Ballarat Municipal Council Letters Inward January – December 1856-1857



Fig.16. An 1860's black and white photograph, showing 1860s Ballarat South from the Ballarat Benevolent Asylum. Evident in the photos are houses, gardens, shingle roofs, fences, St Patrick's Cathedral, Black Hill, Ballarat West Fire Brigade tower, mine dumps, mullock heap, large chimneys. From the collection of Federation University Australia Historical Collection (Geoffrey Blainey Research Centre) Federation University Australia E J Barker Library Mount Helen Victoria, object registration 04657

Therefore, one of the first tasks of the Council was to perform an audit of available land so as to get a clear picture on what was available to them and how

they may gain jurisdiction over parts that were subject to other agencies such as the Central Roads Board or the Gold Department or the Miners' Court. This was conducted over the course of 1856 and a list was compiled to provide clarity going forward while also providing a basis for Chairman Oddie's plan for creating affordable homes for the miners.²⁹⁸

As time progressed into 1857 confusion prevailed allowing opportunists to take advantage of a lax oversight with some speculators claiming and fencing lots on the township. This generated a great deal of ill-will and created a problem that nobody wanted to deal with. However, matters were brought to a head when Robert McNiece, one of the original land-owners, fenced off a large lot near the post office purely as a stunt to highlight the absurdity.²⁹⁹ The intention of the Act as it stood, was to provide for homes for diggers on the gold-fields. This was the basis of a scheme in planning by the Chairman of the Municipality James Oddie and the Council whereby homes would be constructed and mortgaged.³⁰⁰ The expected amendment to the Goldfields Act was to protect genuine miners and make it more difficult for speculators by allowing the holder of a miner's right or a business license as a tenant on crown lands, a right to 20 perches or be compensated in case of removal.³⁰¹ The famous case of the Queen vs Hill in

²⁹⁸ See Appendix X, page 209-211 and valuator's report 15 March 1856, appendix XII page 214, also W B Withers, *History of Ballarat*, 1887, p245 listing 267 tenements and 297 vacant lots valued at £40,061

²⁹⁹ *The Star* (Ballarat) Thursday 12 November 1857, The Meeting at the Council Chambers, 2

³⁰⁰ *ibid*

³⁰¹ *The Star* (Ballarat) 'Meeting on Soldier's Hill', Thursday 22 October 1857, 2

1857 in Castlemaine however, highlighted serious problems with a laissez-faire oversight and the spirit of the act calling for intervention on behalf of bona-fide miners.³⁰² The concern was that speculators who were not bona-fide diggers were occupying town lots and building structures on them to enhance their value and receive like compensation if made to vacate due to sale. One notorious case of a builder who built houses on crown land and sold or let them in expectation of realising a much higher price at a later date had aroused a great deal of outrage. It was an issue taken up by the *Ballarat Star* who came down on the side of the diggers. The *Star* editor while acknowledging that ‘we are ultra-liberal’ in our ideas of the freedom and facilities that should be accorded to private enterprise,’ called for a more protectionist facility for the miners in Ballarat.³⁰³

However, this did not deter those with real power to exercise it. Although now quite benign compared to the rapacious administration of Robert Rede, the Gold Department (formed in 1856 to replace the Goldfields Commission) still had plenty of power to wield which they did in an arbitrary manner when an opportunity presented itself. A notice put out by Warden Sherrard dated 1 October 1857 ordered all the occupants of crown land at Soldier’s Hill to remove themselves forthwith – no reason given except that the land was unsold.³⁰⁴ This was an affront to the occupiers as settled community had been established. In

³⁰² *The Star (Ballarat)*, The Gold-Fields Squatters, Saturday, 14 November, 1857, 2

³⁰³ *ibid*

³⁰⁴ *The Star (Ballarat)* ‘Meeting on Soldier’s Hill’ Thursday 22 October 1857, 2

October 1857 there were 149 unsold and occupied lots that included 87 permanent homes: (63 cottages, 24 houses of which 4 were brick) 16 stores, 4 butcher shops, 2 bakeries, a slaughter yard, refreshment tents, a hotel, a smithy, a boarding house, and a school comprised of 3 tents. There were as well a number of occupied tents (29). Following closely on the discovery by Weeks and Frazer of the Local Court of an attempt to ‘smuggle’ the Soldier’s Hill lots³⁰⁵ into a sale at a recent auction, this latest action according to the outraged locals, had all the hallmarks of a conspiracy to hurt poor diggers who wanted to settle down³⁰⁶.

³⁰⁵ The Soldier’s Hill estate was comprised of over 60 acres and in 1/4 acre lots as standard, it could have possibly amounted to almost 500 lots if 1/8 acre lots were also included. See map below.

³⁰⁶ See Ballarat Rate Assessment Books VPRS 7260/P0002/2 – Ballarat East border ran along Havelock Street (far right) see VPRS 4771 P0002 Item 85 Ballarat and Ballarat East Town Allotment Survey

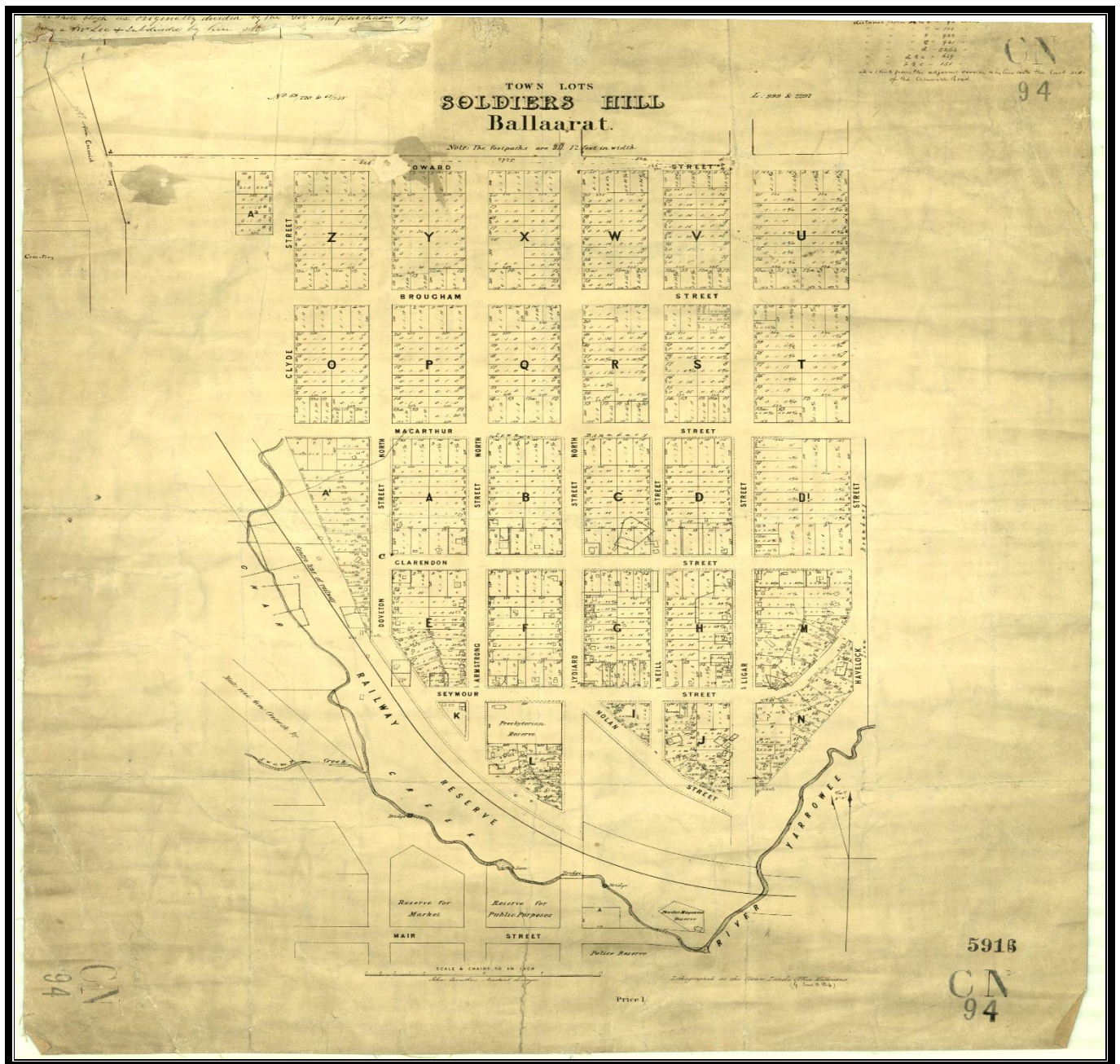


Fig.17. 1859 Plan of Soldiers Hill Ballarat with eastern boundary with Ballarat East on Havelock Street, Historic Plan Collection CN94: VPRS 8168 P0005

A protest meeting of the residents at Knight's North Star Hotel was crowded and led by J B Humffray, Mr Weeks of the local court and Mr George Cuthbert. The meeting resolved unanimously that a memorial would be presented to both

Houses of Parliament complaining of the Warden's action in contravention of the Goldfields Management Act. This was in response to the Warden's evasive and non-committal responses when questioned on the matter giving considerable weight to the belief that this latest act was part of a 'land-jobbing scheme' with which he was either involved or had given sanction. On the same day a meeting of the municipal council also declared that the actions of the Warden were 'highly injudicious' and would prove to be 'very injurious to the future settlement and prosperity of this municipality.'³⁰⁷

Just as important were matters of administration of the municipality and correspondence was authorised to the Town Clerk to request copies of bye-laws from the councils of Melbourne and Geelong to be used as a guide for drafting their own³⁰⁸ with the chairman James Oddie, Councillors Stewart and Bolger nominated for the task of drawing up the local bye-laws.³⁰⁹ However, the main challenge to the council was understanding and accepting the level of authority that they were able to exercise. The perception held by the first council was that they should have full jurisdiction over all unsold land within the municipality and the proceeds of same within, an expectation shared by many Victorian municipalities in the 1850's. This perception was held firstly because in the drafting and passing of the Municipalities Act it was proposed by Mr Harrison of

³⁰⁷ *The Star (Ballarat)*, 'Municipal Council West', Thursday, 22 October, 1857, 2

³⁰⁸ VPRS 13007 P0001 Council Minutes 28 Jan 1856

³⁰⁹ VPRS 13007 P0001 Council Minutes 31 Jan 1856 – these copies were received in late Feb along with other procedural guides -see Minutes 22 February 1856

the legislative Council that the new municipalities could be partially funded by the sale of crown lands within the borders. This would then supplement the small grant allocated to them from the budget of 1855 and the comparatively small allocations in the forward estimates. Thus, one of the first actions was to write to the Colonial Secretary to clarify the matter as noted in the council minutes:

To the honourable the Chief Secretary requesting to be informed what moiety arising from the sale of land within the district of Ballarat is available for Municipal purposes. ³¹⁰

This was a matter of the highest importance as the council was beginning without funding. However, its oversight by the Colonial Government could be better described as a ‘paralysis of decision-making.’ The ridiculous ‘oversight’ was not lost on the *Geelong Advertiser* as the editor commented on parliamentary debates becoming bogged down with practicalities around implementing the ballot for the new assembly.

Other matters demanding ‘careful consideration and originality’ in the 1854 Act should have been more important. ³¹¹ Considered most important was firstly the fair apportioning of public works funding on respective populations, secondly the revenue from the sale of public lands apportioned to public works should also directly benefit the respective district to ‘destroy the vice of centralization’. ³¹²

The second was a matter taken up by most of the municipalities led by Sir

³¹⁰ VPRS 13007 P0001 Council Minutes, 28 Jan 1856

³¹¹ *Geelong Advertiser and Intelligencer*, Wednesday 19 December 1855, Legislative Council December 18, 2

³¹² *ibid*

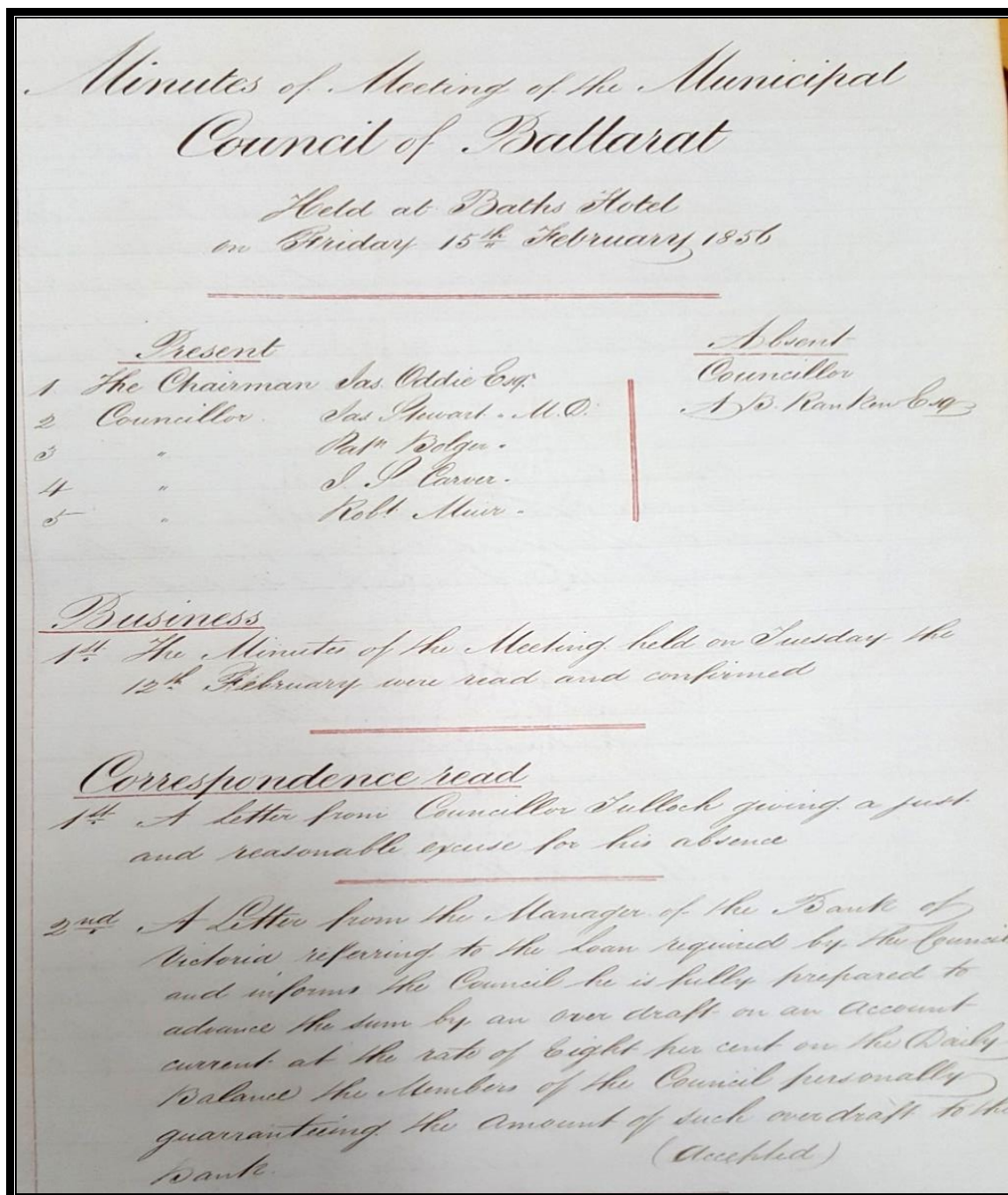
George Verdon in the next year and strongly supported by the Ballarat Chairman James Oddie.

Thirdly, as the *Geelong Advertiser* pointed out, especially in relation to Ballarat.

‘how is the Ballarat Corporation to be set up and maintained?’³¹³Where the money was to come from did not appear to be the concern of the government.

However, not to be deterred as a short-term measure, indicating the strength of commitment of the new councillors to the municipality, personal guarantees by all seven were offered to the Bank of Victoria for a line of credit for £500 for the financing of the initial stationery, equipment and temporary chambers to be constructed on the land granted to them in Sturt Street. Government assent first had to be sought and a letter was drafted for that purpose and agreement obtained.

³¹³ *ibid*



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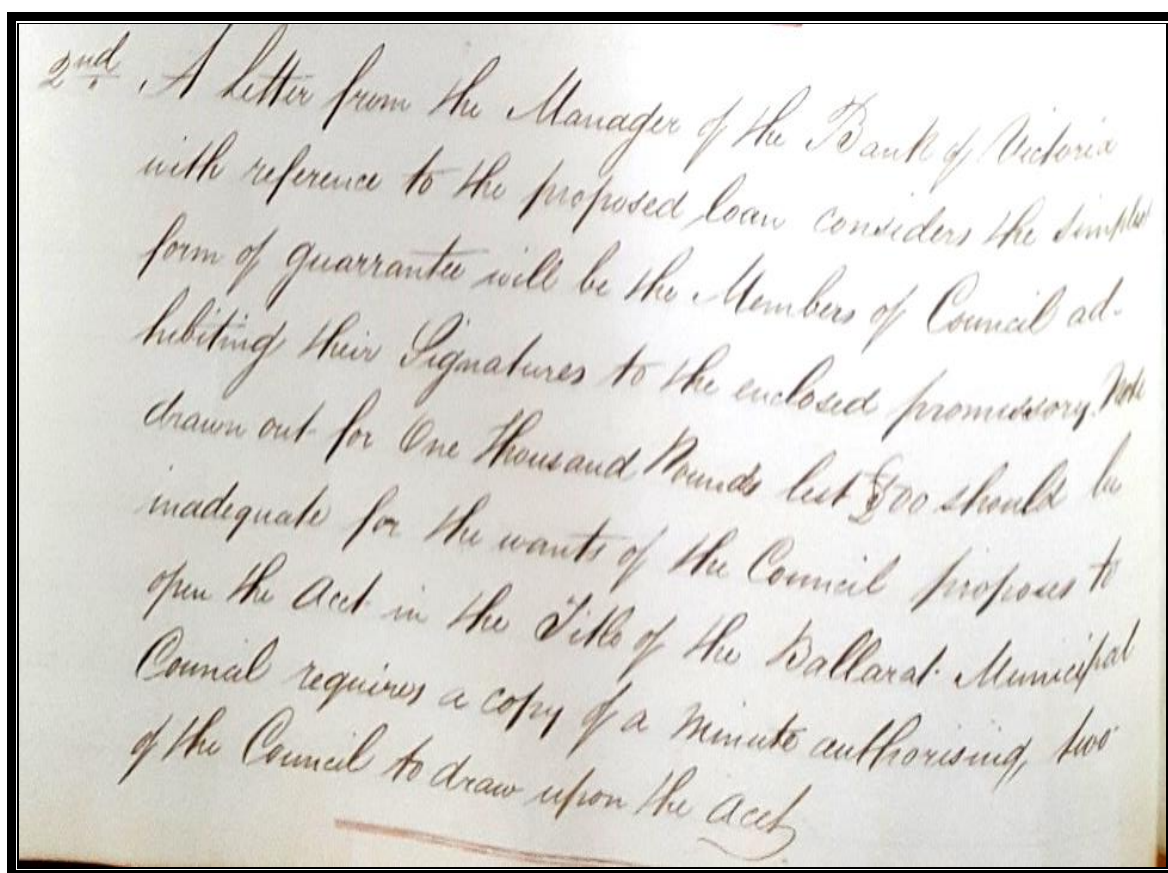
Fig.18. Copy of extract from Council Minutes noting personal guarantees for initial commencement loan 15 February 1856, VPRS 13007 P0001

This amount however was subsequently deemed insufficient and was extended to £1000 at the next meeting on 19 February.³¹⁵ However this ‘small’ oversight

³¹⁴ VPRS 13007 P0001 Council Minutes 15 February 1856

³¹⁵ Ibid, 18 February 1856

was never mentioned to the Chief secretary as it appeared quite obvious that the matter was of little interest seeing it was not Government funds that were at risk.



2nd. A letter from the Manager of the Bank of Victoria with reference to the proposed loan considers the simplest form of guarantee will be the Members of Council exhibiting their Signatures to the enclosed promissory note drawn out for One Thousand Pounds but £500 should be inadequate for the wants of the Council proposes to open the Act in the Title of the Ballarat Municipal Council requires a copy of a minute authorising two of the Council to draw upon the Act.

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Fig.19 Extension of initial loan to commence council operations. Copy of extract from Council Minutes 19 February 1856, VPRS 13007 P0001

At the same time letters were written to the local representatives, Peter Lalor and J B Humffray in the Legislative Council asking how much the initial grants would be and when they would be made available.³¹⁷ An answer was received in

³¹⁶ *ibid*

³¹⁷ *Ibid*, 31 Jan 1856

due course from both MLC's that was both vague and lacking in detail advising that the monies promised 'would be at the disposal of the council in a month or two.'³¹⁸ This certainly was not enough confirmation for them to commence operations and only reinforced their decision to press ahead with the application for additional short-term finance while other measures were pursued.

In their rush and eagerness to begin however, it is not surprising that mistakes were made and perhaps the biggest blunder by the inexperienced Councillors was in the valuation and rating of freehold land and tenements in the municipality. Initially a plan conceived by councillors Muir and Tulloch and the Chairman James Oddie as members of the finance committee, it was hastily put into action but with no legal advice as to its validity as it was for six months only.³¹⁹

As this was ultimately the primary source of income it was attended to quickly so as to get notices out and create an income stream as quickly as possible.

Tenders for Valuers and collectors had already been completed in March with Benson's application being selected. Valuations followed almost immediately with most residents being in possession of their valuation notices by the end of March 1856³²⁰ followed by the assessment notices on April 20.³²¹ The objective is

³¹⁸ *Ibid*, 12 Feb 1856

³¹⁹ *VPRS 13007 P0001 Council Minutes 28 April 1856*

³²⁰ *ibid* 26 March 1856

³²¹ *ibid* 6 June 1856

easy to understand as it would result in a return of around £20,000 in a few months, significantly bringing forward the realisation of their plans for Ballarat.

However, it was not to be. The assumption of the Council that their ingenuity would be rubber stamped by the Colonial Administration in Melbourne was dealt the first blow with a letter received from the Treasurer's office that proof of the Council's assessment and levy needed to be supplied before the first half of the promised grant of £7500 would be received.³²² A letter was drafted in reply confidently assuring the Treasurer that all was in order and that all measures had been taken as requested, including notices for the six-monthly rate of two pounds and ten shillings per centum had been raised and they were ready to collect same on the word of the Treasurer.

However, just over two weeks later a letter from the Treasurer was received that dealt a huge blow to their plans. According to the letter, a rate levy for six months was not legal or constitutional and so the expected influx of funds would not be happening.³²³ This precipitated a special meeting on the Friday following the usual meeting on the Wednesday where the letter was read and discussed. It was unanimously moved and seconded that the rate be immediately rescinded, and a new assessment be raised for the amount of five pounds per centum on all assessable properties. At the same time the Council also decided to put to rest

³²² *ibid* 14 May 1856

³²³ *Ibid*, "Special Meeting" 6 June 1856

speculation on the issue of Ballarat West being merely a ‘parchment township’ as coined by the *Ballarat Times* in 1855.

With the increasing speculation from 1855 that mining would take precedence over the township clarification had been quietly sought from the Surveyor General on the powers and responsibilities of the Council. Members aligned with Thomas Bath and his ‘Ballarat South’ faction were ambivalent on the issue hedging their bets on a royalty windfall considering that much of the mining activity was contained in that area. As some mining enterprises were already operating in Ballarat South and towards Sebastopol and some speculative shafts had already been sunk along Lydiard Street, a quiet approach had been made to the Government on the issue. The precipitating factor however, was the increasing mining activity just inside the municipal boundary on the Yarrowee encroaching onto the main road and obstructing traffic.

A motion was put forward by Councillors Muir and Tulloch to have this resolved once and for all with a ruling from the Governor.³²⁴ However, traffic and safety were not the first priority of the Councillors but rather it was clearly an attempt to disrupt the growing threat from the increasing number of commercial establishments on Government land on the eastern side of the river where mining was being conducted. The intent was to have them move their business into the township to allow mining to continue unhindered across the flat and to ensure

³²⁴ Ibid, 4 June 1856

Ballarat West remained the centre of commercial activity into the future, and of course to maximise rate revenue.

This was based on reasonably solid evidence from the Resident Warden, Mr James Daly, whose advice was that the land was auriferous and that an enquiry would be necessary to determine whether the land in question could be sold.³²⁵

Settling the fate of Main Road had been a major objective from the very beginning of the municipality and had been the subject of a number of initiatives to have the occupiers removed or relocated onto land in the township as either tenants or freeholders like themselves. In a long meeting on 2 April 1856 the position of the Council was made abundantly clear in correspondence to the Surveyor General on the proposal that the Main Road sales as proposed by Haines in 1855, would be detrimental to the appearance of the Township and rather prophetically noted that it could well become a catalyst for a future division between the mining and Township populations. It was thus moved that the Chairman be requested to officially notify the objection of the Council on three grounds:

1. That the sale of these lands will be a great injustice to the residents of the Township over whose interest it is our duty to watch.
2. That the whole of the land being more or less auriferous the sale of it must complicate very much, the question of mining on private land and would probably lead to future collision with the mining population.
3. That although the Council would regret to see the present occupiers of stores on the Main Road Reserve put to any unnecessary loss, they at the same time protest against any part of the said Reserve being given as freeholds to the parties who have encroached upon it and thus making permanent the present unsatisfactory state of the said road it being now as unfit by its narrowness for the traffic passing over it as it is by its insalubrity for occupation as an extension of the Township.

³²⁵ Ibid, 25 June 1856

This was an issue that smouldered like a fire that could not be extinguished for much of the year with increasingly desperate attempts to drum up support and compliance with their wishes. One of the last desperate measures was a petition to the Government initiated by Messrs Moore and McLaren partners of local wine and spirit merchants Moore & Dunn and Tulloch & McLaren (Tulloch the Councillor) to refuse the renewal of the liquor licenses of the traders on the flat. The object was to compel them to remove their premises to the Township. A £5 reward was offered in the *Star* on Saturday 4 October for anyone obtaining signatures to that effect and leaving the petition with any store on the Main Road.³²⁶



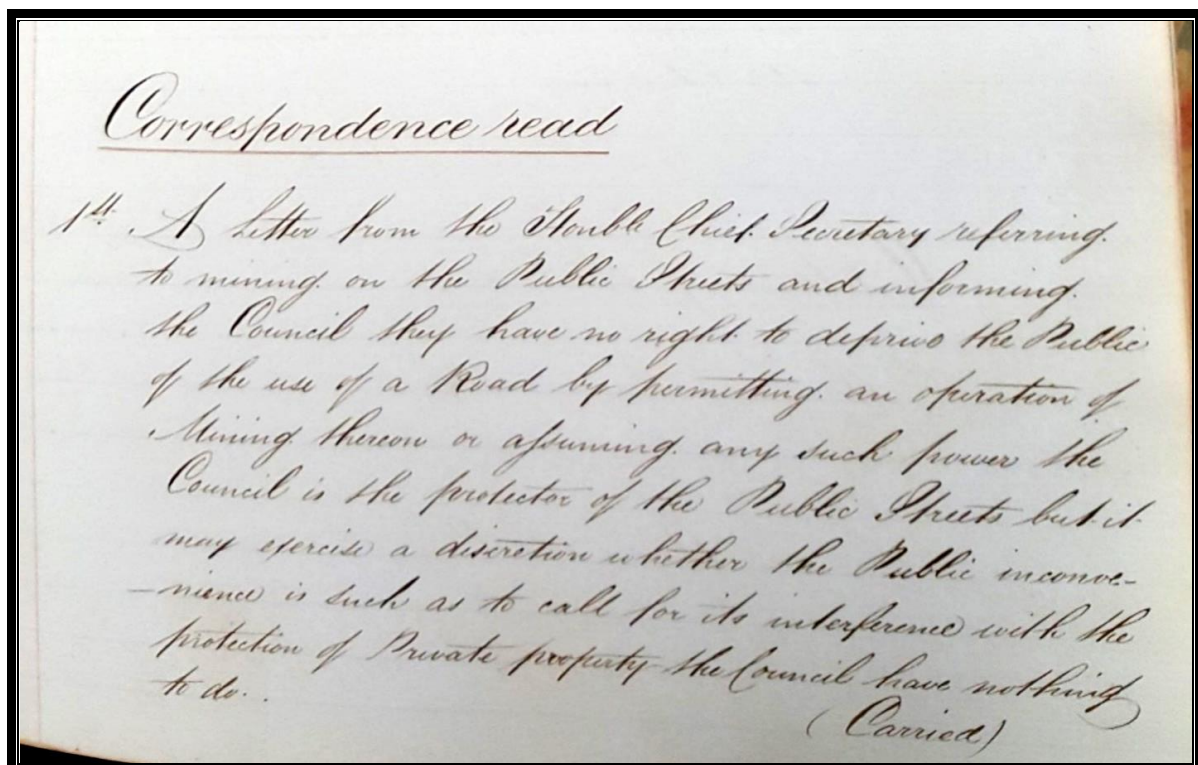
However, while this matter remained unresolved, their own patch on the western plateau was finally given the security that the council had been seeking putting to rest the endless speculation by prospectors and those seeking to profit from their activities.

Fig.20 .Advertisement placed in the Ballarat Star Saturday

4 October 1856 offering a reward for signatures for a petition against Ballarat East wine & Spirit licenses .

³²⁶ *The Star* (Ballarat) Saturday 4 October 1856 page 4 (advertising)

Official notice came comparatively quickly providing official confirmation that they 'were the protectors of the public Streets' however, with the power of discretion on matters on public convenience.³²⁷ This written confirmation was timely, reinforcing previous decisions made on such matters which were beginning to become more insistent. The latest had been just a fortnight earlier where a deputation from a newly formed mining company had approached the council regarding their intention in sinking a shaft in Dana Street. The response of the council was that their responsibility was to watch over the streets for the public benefit and to grant permission would be to set a precedent which others would follow anywhere they liked in the township.³²⁸



³²⁷ VPRS 13007 P0001 Council Minutes 25 June 1856

³²⁸ Ibid, 6 June 1856

Fig.21. *Extract from Council Minutes 6 June 1856 on clarification from Colonial Government on jurisdiction of the Council regarding mining and integrity of the streets and private property.*

This confirmation came reinforcing actions already taken on this matter a fortnight earlier.

Another matter addressed the possibility of council endowments from revenue realised from the sale of land within the boundaries of the municipality. This was an issue that many of the new councils took up during the year with a passion culminating in the first municipal convention later that year chaired by Sir George Verdon of the Williamstown council, a campaigner for decentralization.³²⁹ This was a matter of great importance for two reasons as it provided a relatively immediate revenue stream for the growing number of new municipalities and it also could significantly boost their level of authority from a legal standpoint with the municipality. It was also a matter of immediate concern to the new councillors as at the time of their commencement, they were a government body in name only; there was no money for commencing works or for the acquisition of assets for the council.

At the end of January 1856, the only income the Council were expecting were the application fees for the position of Valuator, placed at £75 each.³³⁰ With two

³²⁹ See Sir George Frederick Verdon, *The present and future of municipal government in Victoria*, Melbourne, W. Fairfax & Co., 1858

³³⁰ VPRS P0001 Council Minutes 31 January 1856

to be appointed, the Council would begin operations with the grand total of £150.³³¹ This was to be more than taken up by the salaries of the appointed officers. The town surveyor, yet to be appointed was to receive £500 P A³³² and the temporary chambers also to be erected would take another significant slice.³³³ Estimates for the erection of temporary council chambers on the land granted to them in Sturt Street were in the vicinity of £500³³⁴ and this was covered by the overdraft account at the Bank of Victoria, secured by their personal guarantees.

Abstract of Revenue and Expenditure of the Municipal Council of Ballarat, half-year ending 16th July, 1856.

REVENUE				£	s.	d.
By Government grant	...	...	...	3750	0	0
By fines at Police Court	...	...	...	40	0	6
By rent	...	...	...	44	18	0
				<u>£3834</u>	<u>18</u>	<u>6</u>
EXPENDITURE.				£	s.	d.
Salaries—Town Surveyor	...	...	...	137	6	6
" Town Clerk	...	...	...	129	15	10
" Town Inspector	...	...	...	64	7	8
Public works, streets, &c.	...	...	...	363	5	3
Building Council Chambers, cottage, seats, &c.	...	...	...	662	15	0
Printing and advertising	...	...	...	70	2	0
Stationery	...	...	...	15	3	0
Preliminary expenses for Municipality	...	...	...	9	3	0
Design for Corporation seal	...	...	...	5	0	0
Office furniture	...	...	...	38	12	8
Insurance of Council Chamber	...	...	...	20	2	0
Valuation of assessable property	...	...	...	150	0	0
Incidental expenses	...	...	...	19	7	0
Interest on overdrawn account	...	...	...	19	13	6
				<u>£1835</u>	<u>13</u>	<u>5</u>
Balance on hand	...	...	...	2139	5	1
				<u>£3834</u>	<u>18</u>	<u>6</u>

JOSEPH COMB, TOWN CLERK.

Audited 9th August.
M. ELLIOTT, }
WM. MOORE, } Auditors.

Fig 22. Extract of half-yearly report as published in the Ballarat Star 14 August 1856

The inspector of Nuisances

position, to which Mr Dimant

was appointed also attracted a

yearly salary of £100.³³⁵

Once operations began from

February 1856, Mr Dimant was

arguably the most hard -

working officer of the new

council. The four years of inattention of the Gold Fields Commission had accumulated a log of sanitary issues that were pressing for immediate resolution

³³¹ *ibid*,

³³² *ibid*

³³³ *ibid*

³³⁴ VPRS P0001 Council minutes 12 February 1856

³³⁵ VPRS P0001 Council minutes 31st January 1856

to make the township a more liveable and civilised environment. The first order was to ensure that the streets were transformed into places of order.

The Star reported on the changing appearance of the town in their ‘Local Intelligence’ on Thursday, 18 September 1856:

There is a somewhat go-ahead spirit manifesting itself in the Municipality; but whether or not it be due to the congenial influence of the estimable Corporation is beyond our skill to determine. The streets are gradually being laid out and formed, with here and there bits of kerbing and paved ways for entrance to yards or other places off the main streets.

The article goes on to mention the new additions like the Dana Street school, the hospital, Council Chambers, the Wesleyan School, ‘post and public offices ... highly creditable efforts of enterprise ... worthy of the importance and renown of “old Ballarat.” Possibly, without even realising it by referring to ‘old Ballarat’ the *Star* had already acknowledged an important turning point from a mining camp to a permanent city, professionally managed with a plan for the future. It is clear that the revolutionary changes set in place by the Council were yet to be given credit.

Chapter Eight

Challenges and Achievements – 1856-1857

Nevertheless, to attract such guarded praise in such a short time was a reflection on the competency, commitment, and hard work by those elected and employed. Over the course of the year therefore, the most pressing infrastructure projects were securing permanent premises, waste management, securing a reliable water supply, establishing a central market place and developing the streets of the town; all essential developments for a growing regional centre after the neglect under the previous administration of the Goldfields Commission and the Central Roads Board.

A prime problem was traffic management. The coach company of Calvert Covington & Williams had been in the habit of parking their vehicles on the footpaths when they were waiting or not in use, obstructing foot traffic and so increasing the potential for serious accidents. A circular letter was thus drafted and circulated for all such vehicles to keep the footpaths unobstructed forthwith and to be strictly adhered to.³³⁶ However, this new and regulated way of doing things was not always well received with the exercising of their newly obtained powers resisted by all agencies of the old regime as well as the residents. The

³³⁶VPRS P0001 Council Minutes February 5 1856

first signs of this reluctance to change were encountered by the newly-appointed inspector of nuisances Alexander Dimant.

The council received a letter of complaint from the inspector complaining that both the residents and the law were refusing to recognise his authority. Matters had been brought to a head when he issued and enforced notices on H Foster esq. for dumping rubbish within ten yards of the Post Office – an obvious and flagrant provocation. The magistrate, Captain Vignoles, however dismissed the charges because a manure depot had not been appointed.³³⁷ The council responded swiftly by commissioning a number of prohibition boards to be placed in prominent positions banning such behaviour, which were clearly in violation of the Management of Towns Act, and proceeded to begin the task of locating a suitable place for a manure and rubbish depot.³³⁸ At the next meeting it was also proposed that a bye-law be drafted to regulate ‘the disposal of night soil and other offensive matters.’³³⁹

The preference of the council was to locate this outside of the municipal boundary but this plan was not approved by the Surveyor General and so a location on the north eastern boundary near Black Hill was agreed upon.³⁴⁰

³³⁷ VPRS 13007 P0001 Council Minutes 22 February 1856

³³⁸ *ibid*

³³⁹ *Ibid*, 26 February 1856

³⁴⁰ VPRS 13007 P0001 Council Minutes 29 February 1856

Cp. No.
No. 56/530

Surveyor General's Office
Melbourne. 28th March. 1856.

Sir

Referring to your letter
of the 19th Instant. on the
subject of the proposed site
selected by the Ballarat
Municipal Council for a
Manure Depot. I have the
honour to inform you that there
is no objection to the portion
of land (five chains square)
situated at the North East
corner of the Municipality and
coloured blue on the appended
sketch - which the officer

Yours

James Oddie Esq.
Chairman Municipal Council
Ballarat

Fig.23. letter by Chairman James Oddie dated March 28 1856 to the Surveyor General regarding the site for the manure dump on the north east boundary of the Municipality: Public Records Office VPRS 2500 P0000/1 Letters Inward January - December 1856-1857

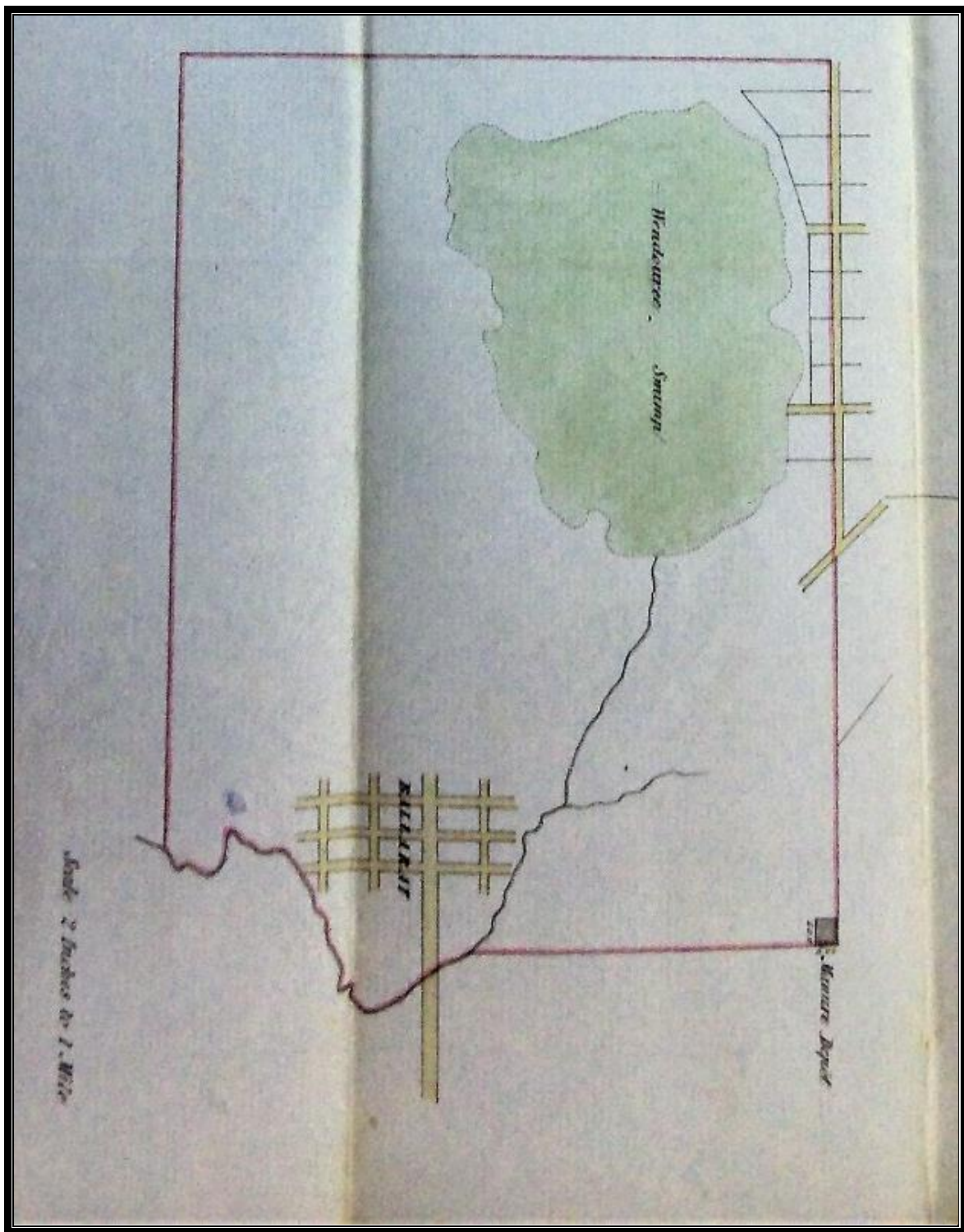


Fig.24. Sketch of manure dump location that accompanied the letter by James Oddie to the Surveyor General June 28 1856: Public Records Office VPRS 2500 P0000/1 Letters Inward January – December 1856-1857

Just as important as the rubbish dump was the integrity of the water supply as the use of the swamp by an increasing number of businesses was posing a significant risk to the town. Among those establishing themselves there were a dairy, a lemonade factory and a bone-boiling plant on the north side as reported to the council by the newly-appointed inspector on 26 February³⁴¹.



Fig.25. lithograph of the north side of the swamp with the perimeter road (now fairyland?) 1856-1859 with established businesses nearby. A motion was raised in council on 26 December 1856 for a fence (bottom right?) to keep wandering cattle from entering the swamp at the request of Inspector Dimant: from the collection of Federation University Australia Art Collection Object registration A00466

³⁴¹ VPRS P0001 Council Minutes 26/2/1856

The latter was of particular concern due to the ongoing problem of carcasses being dumped into the water or drowning after getting stuck in the mud. The dairy was equally concerning with the animals also defecting nearby and causing contamination. Another serious matter raised by Inspector Dimant was the encroachment of land-owners with tents and stabling onto the swamp reserve, increasing the likelihood of further contamination noted in the same report. As a result, a bye-law was proposed to protect the swamp from such incursions.³⁴²

This spurred the council into action in not only preserving the integrity of the water source but also to endeavour to exert direct control over the whole vicinity of the swamp and the surrounds.³⁴³ The result of this was the granting to the municipality of the Police Paddock on the north side on April 23 1856 which would be reserved for public gardens,³⁴⁴ and approval on April 2 1856 for a road around the perimeter which was deemed necessary for effective policing and surveillance.³⁴⁵ The use of the swamp and all the land immediately around its perimeter being reserved for the public was also becoming a matter for public discussion as a letter to Mr Humffray on April 27 1857 indicates.³⁴⁶

The change of managers from the easy-going days of the Goldfields Commission however, did not come without resistance from those residing in the vicinity of

³⁴² VPRS 13007 P0001 *Council Minutes* 26/2/1856 29/2/1856, 13/3/1856.

³⁴³ *Ibid* 14/4/1856 & 23/4/1856.

³⁴⁴ *Ibid*, 11/6/1856

³⁴⁵ For approval for road around the swamp and Police Paddock see council minutes 14/5/1856, 23/4/1856

³⁴⁶ *The Star* (Ballarat) Saturday 2 May 1857 2, The Wants of Ballarat.

the Wendouree Swamp who had become accustomed to their unregulated behaviour. Thus, the priority of the swamp as a water source was an issue that was an urgent but often disputed one during the next few years as various solutions were entertained.

It was first raised by Councillor Muir on March 13 1856³⁴⁷ and discussion continued throughout the year without resolution. The government, through the Surveyor General's unsolicited advice, suggested that they raise the level of the swamp three feet by means of a dam across the creek, presumably Gnarr's creek, at the eastern end of the swamp to create a larger and more secure water supply.³⁴⁸ However, by July 3 1856 this was still under discussion as the minutes indicate, with the town surveyor finally instructed to complete a survey to raise the level two feet.³⁴⁹ This was finally acted upon a fortnight later with a tender accepted from Evans & Barker for £30 for 'making a dam and embankment across the outlet at Yuille's swamp.'³⁵⁰ This exercise of authority however was not welcome as once constructed it was partially destroyed within a few weeks by persons unknown.³⁵¹ The finger however could be fairly pointed at a Mr Graham a local land owner who refused to sell his abutting land to the Municipality but rather had requested compensation from the council for

³⁴⁷ VPRS P0001 *Council Minutes* 13 March 1856

³⁴⁸ *Ibid* 9/4/1856

³⁴⁹ *ibid* 3/7/1856

³⁵⁰ Council minutes 15/7/1856 as published in *The Star* (Ballarat) Wednesday 16 July 1856, Municipal Council, 3

³⁵¹ Council Minutes 13/8/1856 as published in *The Star* (Ballarat) Thursday 14 August 1856 Municipal Council 2

flooding caused by the dam.³⁵² He, along with other owners, also lobbied through Mr Cummins, a candidate for the 1857 council election, that they should have their own man on the council³⁵³ and like Robert Smith wanted a well-maintained road to the swamp to be created to allow ‘free access to the water.’³⁵⁴

By the end of August, a subtle appeal to the public was made informing them on the progress of the water supply with publication of his detailed report made to the public by the town surveyor Samuel Baird.³⁵⁵ This report is very illuminating showing the difficulties in supplying a growing town with fresh water. As it indicates, water was a vital resource for the district and its supply generated a great deal of commercial activity and traffic which would be adversely affected by the introduction of more modern means of water supply.

The existing method of its supply was by way of water carts supplying water at sixpence a load on average to 3000 residential premises per week as well as hotels in addition consuming 300 loads per week. Once controlled by the municipality, the revenue thus generated was expected to be £3,300 per annum.³⁵⁶ This revenue would then be used to purchase a consignment of pipes from Scotland to supply water to the township by means of pipes to Doveton, Armstrong and Lydiard Streets with branch lead-lined pipes supplying premises

³⁵² Council Minutes 10/12/1856 as published in *The Star* (Ballarat) Saturday 13 December, 1

³⁵³ *The Star* (Ballarat) Wednesday 14 January 1857, 2, The Municipal Election.

³⁵⁴ *ibid*

³⁵⁵ *The Star* (Ballarat) Saturday 30 August 1856, 4, Ballarat Water Supply. Report upon the most desirable means for obtaining the necessary supply of water to the township of Ballarat

³⁵⁶ *ibid*

ABSTRACT.			
	£	s.	d.
Embankment, complete	606	6	0
Pipes	4029	16	0
Laying and jointing do	986	18	0
Fire plugs	150	0	0
	£5773	0	0
Add ten per cent. for contingencies	577	0	0
Total	£6350	0	0

In making out a return of the probable revenue arising from the consumption of water. I am quite aware it can only be approximated to at this season of the year; during the summer months a more correct return could be made by calculating the number of carts employed, and checking the number of times each cart is loaded; but in the absence of such information, and assuming that 15,000 are supplied from the Swamp, and allowing five persons as forming a family, and each family to consume only one half load per week at sixpence per half load will give a revenue of £75 per week, or £3,900 per annum, and allowing £600 per annum, for working expenses, will show a clear revenue of £3,300 per annum.

Or, assuming that 10,000 persons are supplied from the waters of the Swamp, and each person to consume two gallons per day, will give a return of £3,650 per annum,—less working expenses £600,—will give a return of £3,050 per annum.

It may be fairly estimated that in proportion to the reduction in the price of cartage, by having the terminus of the pipes, to supply carts, in Lydiard-street, that the quantity consumed by the public will be considerably augmented.

Fig.26. Extract from the *Ballarat Star* Saturday 30 August 1856 showing part of the Water Supply report by Town Surveyor Samuel Baird

directly in the central township. Residents in Ballarat East would have access by way of a standpipe for water carts to be erected at the lower end of Sturt Street with a carters' terminus in Lydiard Street.³⁵⁷ In this matter the Surveyor General was more than willing to assist with a grant or a loan upon receipt of a prospectus indicated to Councillor Stewart in a recent conversation.³⁵⁸

This would improve things immensely for those relying on carted water as the road to the swamp was often impassable and less than adequate as Councillor Robert Smith pointed out in his election speech in January 1857.³⁵⁹

³⁵⁷ Ibid.

³⁵⁸ Council minutes 23/7/1856 as published in *The Star* (Ballarat) Thursday 24 July 1856, 2 Municipal Council.

³⁵⁹ *The Star* (Ballarat) Monday 12 January 1857, 3, Meeting at the Swan Hotel.

By early September 1856 the council were less confident about the timeliness of government assistance, concerned about fires over the approaching summer and the guarantee of a constant supply of water declaring that they would be taking matters into their own hands.³⁶⁰ This the Council did the following week, passing a bye-law to assume full Corporation control of the waters in the swamp as well as any private pumps and storage facilities in its immediate vicinity with due compensation paid.³⁶¹ In the meantime, an official approach to the Chief Secretary would be made for a grant of £10,000 to carry out the recommendations of the Town Surveyor.³⁶² Unfortunately, correspondence received in October from the Chief Secretary stated that any funding would have to have the sanction of the Legislature in the same manner as Melbourne and Geelong water supply funding.³⁶³

Thus, as the 1856 summer arrived, the matter remained in limbo. This was due in part to a lack of funds having only assumed full control of the water and the pumping and storage equipment from September. In the short term it was also due to the lack of timeliness and indifference of the government in responding to requests for capital works funding³⁶⁴ along with the unwillingness of Mr Lalor to act on their behalf in the matter.³⁶⁵ Councillor Muir thus proposed that there was

³⁶⁰ Council minutes as published in the *The Star* (Ballarat) Thursday 4 September, 2

³⁶¹ Council minutes 10 September 1856 as published in *The Star* (Ballarat) 11 September 1856, 2

³⁶² *ibid*

³⁶³ Council Minutes 22 October as published in *The Star* (Ballarat) 23 October 1856, 3

³⁶⁴ Council minutes 6 October 1856 as published in *The Star* (Ballarat) 9 October 1856, 3

³⁶⁵ Council minutes 2 January 1857 as published in *The Star* (Ballarat) 3 January 1857, 2

little hope for any assistance from Mr Lalor and that a deputation be sent to Melbourne to directly lobby members of the Government. After an argument which ended in Mr Oddie walking out, it was decided that Councillors Muir, Tulloch and Carver would represent them on the matter.³⁶⁶

With nothing resolved in the new year business premises nearby began making applications to the Council to lay their own pipes directly to their premises with the first approvals given to Mr Baird for his water mill and Hassell & Monckton's Flour Mill on February 4 1857.³⁶⁷ By February 1857 matters took a positive turn with advice from the Commissioner for Public Works that the grant would not be made but that a bill would soon be introduced to the Legislature allowing public bodies to borrow for essential works such as a water supply.³⁶⁸ This effectively marks the beginning of the project with approaches being made immediately to local Banks to mortgage the rates and to issue debentures.³⁶⁹

Unfortunately, as 1857 progressed unity became compromised with the formation of the Eastern Municipality and the more ambitious proposal espoused by the Eastern Chairman W B Rodier to bring water from Warrenheip, sufficient to supply the whole district well into the future allowing for population growth.³⁷⁰ As doubt had been raised on the long-term viability of the Wendouree

³⁶⁶ Council minutes Friday 9 January as published in *The Star* (Ballarat) 9 January 1857

³⁶⁷ Council Minutes 4 February as published in *The Star* (Ballarat) 5 February 1857, 2, *The Star* (Ballarat) Thursday 31 July, 2, *The Flour Mills*

³⁶⁸ Council Minutes Wednesday 18 February 1857 as published in *The Star* 19 February Thursday 1857, 2.

³⁶⁹ Council Minutes Wednesday 25 February as published in *The Star* (Ballarat) Thursday 26 February 1857, 2

³⁷⁰ *The Star* (Ballarat) Tuesday 25 August 1857, 3, *Water Supply to Ballarat*,

Swamp based on the reports of local squatters and land owners Learmonth and Waldie, district residents from the 1830's, ³⁷¹ Councillor's Muir, W C Smith and Robert Smith after 'warmly objecting' to the Chairman attempting to forcefully espouse barring the easterners from access to the western pipes, a motion was passed to once again at the end of June 1857 postpone the scheme.³⁷²

Nevertheless, aggressive proponents of the Wendouree Swamp scheme, after a 'very angry' exchange led by the Chairman, Cr. Tulloch and new convert to his opinion W C Smith, soon had their way and tenders were called and accepted for the supply of pipes on Thursday July 16 in defiance of a request by J B Humffray the member for North Grenville, to postpone the project until the Eastern proposal was considered.³⁷³

This act unfortunately became a declaration of war between Ballarat West and the much larger population of Ballarat East who took the fight to their western colleagues. A loophole was exploited early in 1858 by the new eastern municipality to make use of the government owned Main Road and Sturt Streets to gain access to the proposed western water pipes. This action was facilitated by passing their own bye-law to rescind the western ownership of the water in the Swamp in February 1858.³⁷⁴ This effectively moved the issue to Melbourne and

³⁷¹ *The Star* (Ballarat) Monday 12 April 1858, 2 Water Supply, both reported all the district lakes being dry on at least 4 occasions with the swamp also being so dry in the 1840's that Waldie could ride his horse across it.

³⁷² Council Minutes Tuesday 23 June 1857 as published in *The Star* (Ballarat) Wednesday 24 June 1857, 3

³⁷³ Council Minutes Wednesday 23 July 1857 as published in *The Star* (Ballarat) 24 July 1857, 3

³⁷⁴ *The Star* (Ballarat) Monday 1 March 1858, 3, Ballarat East Water Supply

the Legislature on petition by Ballarat East³⁷⁵, where it was eventually resolved as discussions began with J B Humffray's motion on Friday 21 1857³⁷⁶ on the formation of a separate commission for sewerage and district water supply.³⁷⁷ Unfortunately delays continued as local members Lalor (Ballarat West) and Humffray (Ballarat East) opposed each other on the issue with Lalor declaring he 'would oppose and delay the bill to the utmost of his power and if possible defeat it.'³⁷⁸

Of equal importance with the water supply, was the setting up of systems not always seen by the public, of accountability, planning and oversight. Unlike the old regime riddled with endemic inefficiencies, it was the sense of local autonomy to define progress that was behind the 'go-ahead spirit.' The Municipal Council had begun in a period of financial turbulence. The allegations of waste and financial mismanagement and largesse brought against the Gold Fields Commission in the 1854-1855 inquiry fed the fires of discontent and reform amongst the mining population. There were also allegations in Melbourne of mismanagement of most other Government agencies with the accusing fingers pointed at Auditor-General Childers over the imprest system of funding

³⁷⁵ *Petition Chairman and Councillors of Ballarat East against monopoly of water* Original Papers Tabled in the Legislative Assembly VPRS 3253/P0000/49 Letters inwards, Surveyor General

³⁷⁶ *The Star* (Ballarat) Monday 24 August 1857, 2, Proceedings in Parliament, Legislative Assembly, Friday 21 August 1857,

³⁷⁷ *The Star* (Ballarat) Tuesday 4 August 1857, 2, Municipal Differences; 1

³⁷⁸ *The Star* (Ballarat) Monday August 24 1857, page 2, Proceedings in Parliament, Legislative Assembly, Friday August 21 1857

government expenses which accounted for on-going expenses at month or financial year end with little oversight.³⁷⁹

In Ballarat matters such as this were taken very seriously with the Chairman taking a personal interest in expenditure on public works.³⁸⁰ With no rate income yet received, the Council was dependent on the initial £3750 grant from the central government, and local works funding to Public Works Departments. Thus, the first real test of the new Council was in the formation of the streets which were in a dreadful state. Contractors Martin & Scott had been engaged to do the first stage of the work of improvement and laying of those not yet constructed as per the original survey of 1852. Unfortunately, they were not proving to be either quick or efficient being used to the ways of the old administration.

Having never served in this capacity before it was only to be expected that errors of judgement would occur, and in this case, they were of a technical matter but nevertheless could have had serious consequences if the work was not done according to the contract. Accusations were directed by Councillor Carver at the Chairman for not having obtained financial securities for the contract which represented the significant portion of their first budget.³⁸¹ By October £4000 had

³⁷⁹³⁷⁹ Geoffrey Serle, *The golden age, a history of Victoria, 1851-1861*, pp188-191

³⁸⁰ Council minutes, 15th July 1856, 24 July 1856, 31 July 1856, 14 August 1856, 4 September 1856, 11 September, 1856, 2 October 1856, as published in the *Star* the following day. By October a more compliant attitude is detected in relations between Martin & Scott and the Council.

³⁸¹ Ibid

been well exceeded with a final and unanticipated request made by the contractors for £705.³⁸² The lack of oversight was of great concern also due to the personal guarantees given by all seven councillors to the Bank of Victoria.

However, the error was quickly rectified with Mr Oddie taking personal interest in ensuring securities were obtained and the work was completed. The activities of Martin & Scott were scrutinised at almost every council meeting over the course of 1856, and a system of penalties were set in place as an incentive to complete the work. Any progress payments were not released until conditions were met and with the additional use of their own surveyor, close monitoring and daily reports of the work was possible.³⁸³ This brought a big improvement to conditions in the centre of town over the previous years, very evident in pictures of Lydiard Street for 1855 to 1858.

³⁸² See Appendix XI page 212 for a record of the expenditure on this contract detailing the extent of the works

³⁸³ *Ballarat Star*, 24 July 1856, Council Minutes 23 July 1856

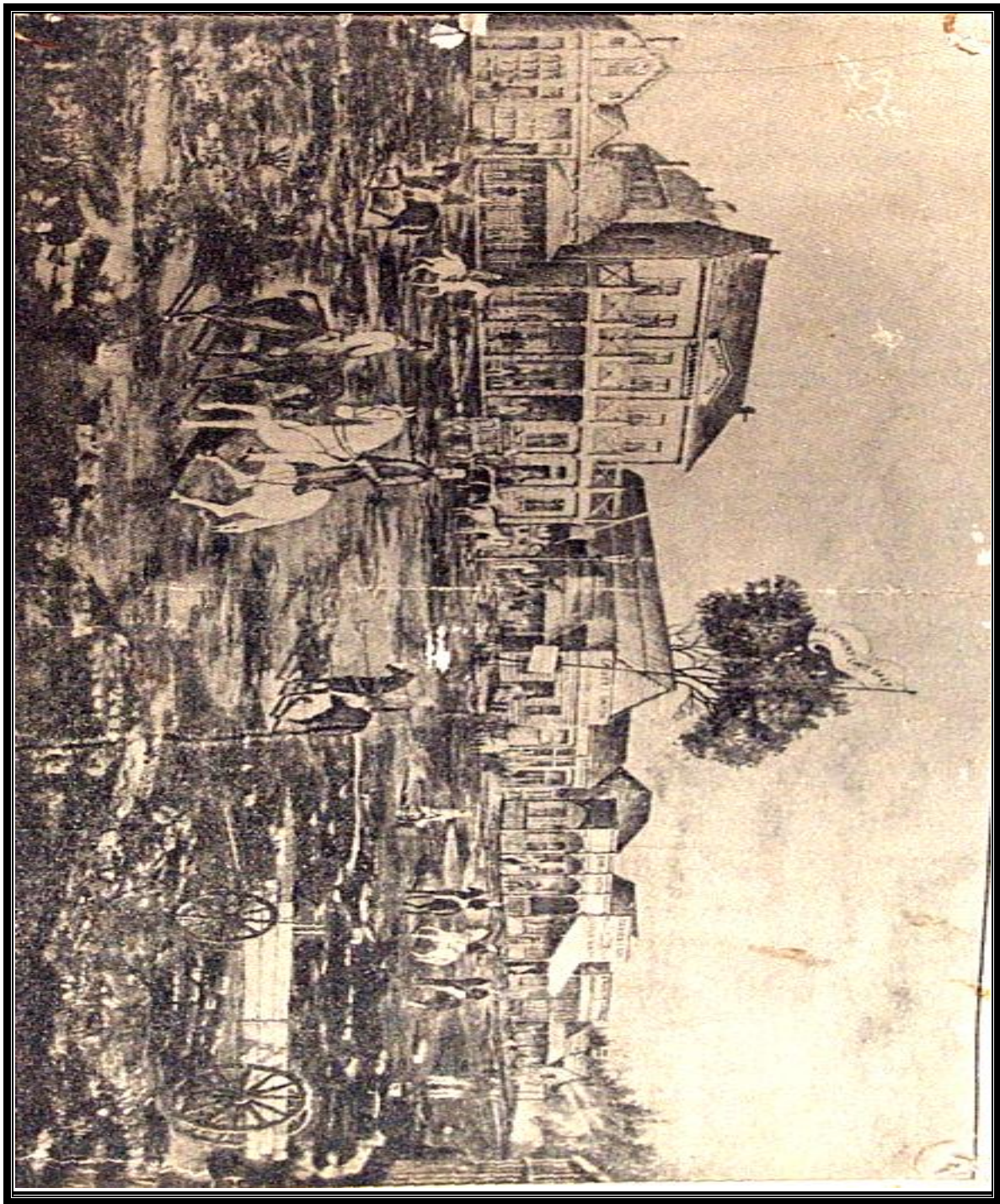


Fig.27. *Lydiard Street 1855*, from the collection of The Ballarat Historical Society, Ballarat Victoria, catalogue No 232.80

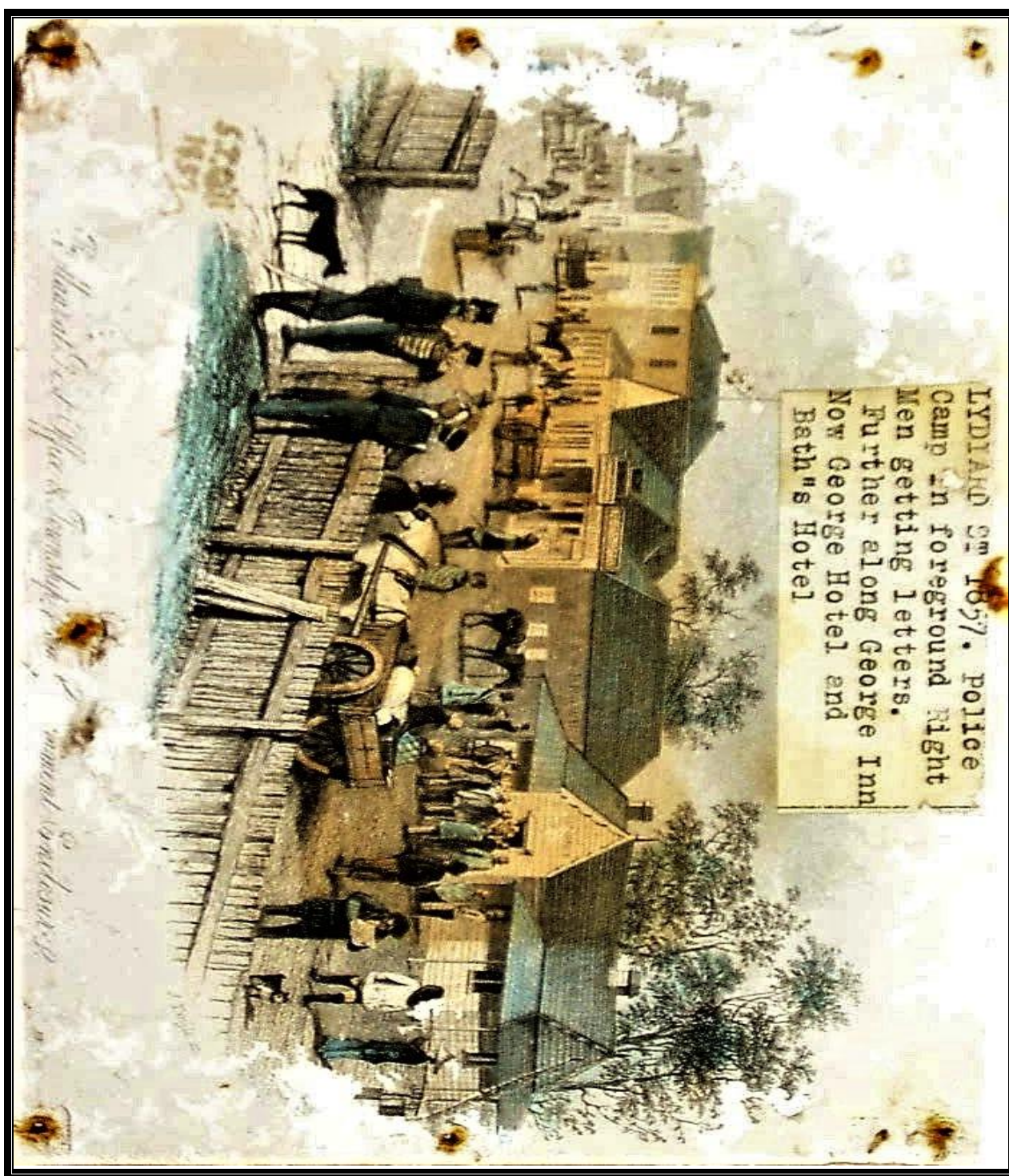


Fig. 28. *Lydiard Street North 1857*: Photo/coloured line engraving: S T Gill 1857 and J Tingle se: titled *Ballarat Post office & Township from Government enclosure*. Ballarat Historical Society Collection Images catalogue No 321.79

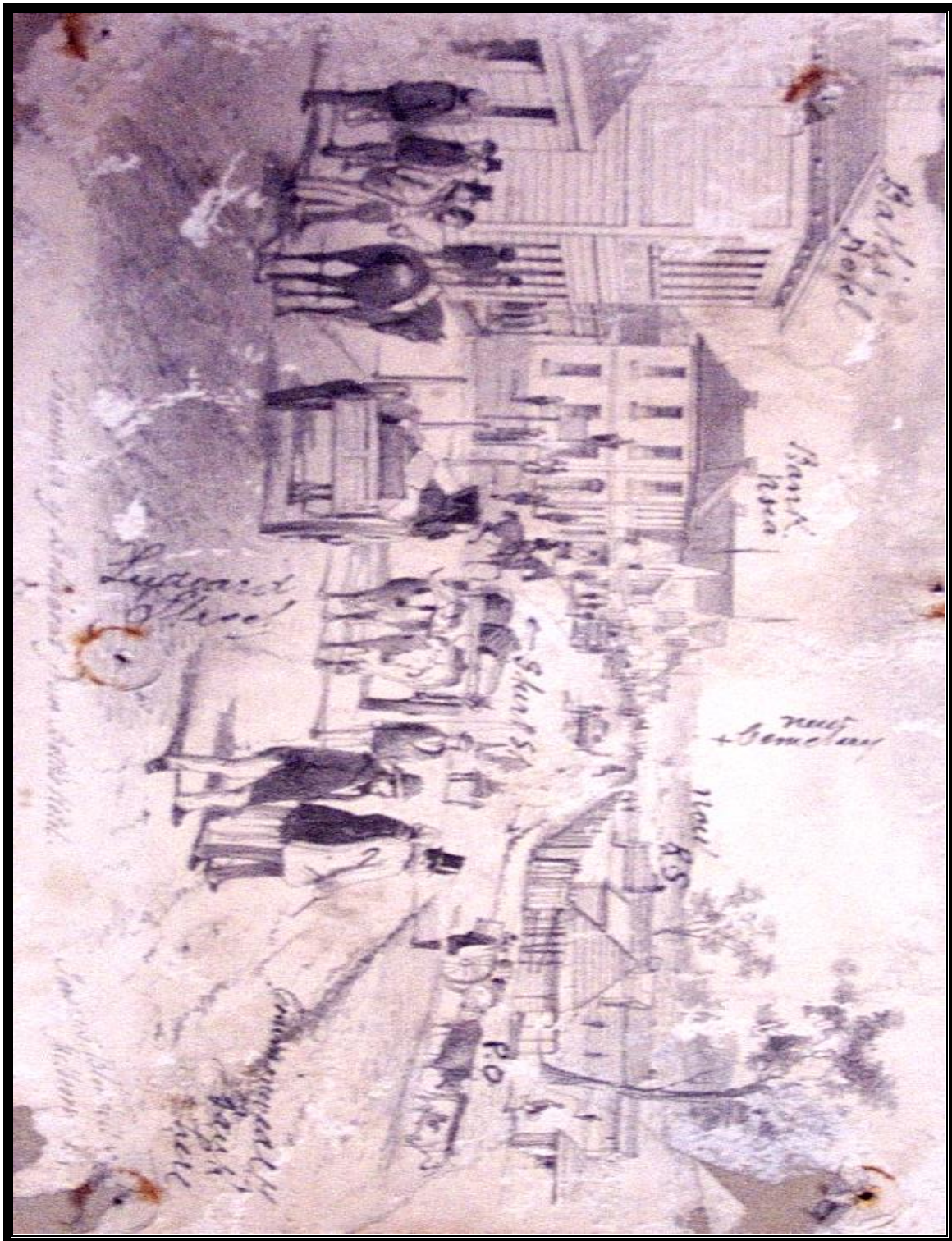


Fig.29. Lydiard Street South looking north 1858, after two years under municipal government, From the collection of the Ballarat Historical Society, B/W lithograph by S. T. Gill titled *Township of Ballarat from Bath's Hotel*, Catalogue No 531.81

Political Factions and Market Square

With the transformation of the streets a work-in-progress, local democracy was proving a much tougher skill to master. The proposal for a market place was first raised at the council meeting on 26 February 1856. It was to be in a reserve of four acres ‘for the mutual benefit of both the township and the diggings.’ The reserve was to have a frontage on Mair ‘road’ opposite the Government Camp and extend in a straight line to another frontage below the church reserves on Dana Street.³⁸⁴

However, a multiplicity of stakeholders turned this into a political football exposing the competing interests of the district which fell into three broad categories. The first was the agricultural district to the west of Ballarat which included leading figures in Ballarat West such as Thomas Bath³⁸⁵ and Muir Brothers both with large and productive farms in the Dowling Forest and Burrumbeet district to the north west. The second were the eastern miners and traders whose main concern was access, and third were those with an eye for capital gains such as those who owned or intended to purchase land and properties nearby. All at some stage sought to influence the Ballarat West councillors to some degree.

³⁸⁴ VPRS 13007 P0001 Council Minutes 26 February 1856

³⁸⁵ *Geelong Advertiser and Intelligencer* 24 January, 1856, Ballarat, 2; *The Star* (Ballarat) 12 August, 1856, Local Intelligence, Agricultural Progress, 3; *The Star* (Ballarat) Friday 26 February, 1858, Insolvent Court

After concerns over water in the original location, a smaller location nearer to the Unicorn Hotel on Sturt Street was selected but that also was rejected due to concerns by Taylor the surveyor that it would be too intersected with roads to be suitable.³⁸⁶ A third option on the corner of Mair and Doveton Streets had been approved by a majority vote of the council after poorly attended public meetings early in 1856 and was subsequently given government sanction. However, after being confronted with a petition signed by 200 angry ratepayers against the Mair Street site, Councillor Muir felt obliged to carry the matter further.³⁸⁷

It was thus found that the decision in favour of Mair and Doveton Streets had been carried with only three councillors and the Chairman present without exploring other options. It was understood that the site was selected as it was a provision on the original plan. The other site was at the stone quarry on Sturt Street North, just past the hospital. It was, argued Cr. Muir, perfectly suited as it was the road used by the majority of local farmers into Ballarat as well as being central to the local residents.³⁸⁸ It was also well-suited, he argued (ambiguously) as none of the councillors owned land there and so could not be accused of partiality.³⁸⁹

³⁸⁶ *The Star* (Ballarat) Saturday 19 July 1856, The Market Place, 2

³⁸⁷ *Ibid*

³⁸⁸ *ibid*

³⁸⁹ *ibid*

The site in Sturt Street was therefore chosen by a ballot that took place during the week at the council chambers with the stone reserve in Sturt Street receiving overwhelming endorsement by 115 to 73.³⁹⁰ The Council then moved to amend the request for the market reserve to be changed in accordance with the ballot and a petition be drawn up for His Excellency's consideration.³⁹¹ At the same time, it was also moved and carried to request that quarrying cease at the Sturt Street site immediately as blasting was endangering local residents.³⁹² However, this would not be the end of the matter as it was quite apparent that well organised interest groups were following a strategy that suited their own interests.³⁹³ While the convenience and safety of local residents was used as a powerful justification for the new location by councillor Muir and his supporters³⁹⁴, a far more powerful reason was employed by those in opposition. A letter to the Editor of the *Star* appeared on 31 July advising that a rich quartz reef ran through the land and should be reserved until adequate technology could be obtained to work it.³⁹⁵

³⁹⁰ *The Star* (Ballarat) The Market Place, Saturday, 26 July 1856.

³⁹¹ Council minutes Wednesday 13 August, 1856, as published in *The Star* (Ballarat) 14 August, 1856, 2

³⁹² Council minutes 31/7/1857

³⁹³ An even-handed letter to the editor by "A Ratepayer", accused one or two individuals, Cr Davies and Cr Carver who were very vocal in their opposition with Carver asserting that he was responsible for his ward (which extended to Main Road) and his alone. *The Star* (Ballarat) 19 July 1857, page 2 and *The Star* Open Column, To the Land Owners and Rate Payers of Ballarat Township, 3

³⁹⁴ *The Star*, (Ballarat) Tuesday 19 July, 1856, The Government Quarries on the Township, 3

³⁹⁵ *The Star* (Ballarat), Quartz Reef, Township, Ballarat, 3.

However, it was clear that the reef did not have the sanction of the Local Court as their hand on this occasion was conspicuously absent in the matter.

Nevertheless, Councillor Carver who was not afraid to speak his mind, accused the Chairman of partiality and irregularity in voting twice on crucial matters to

do with south side of Sturt Street.³⁹⁶

Carver was clearly supporting

northside and eastern constituents

who owned properties near the Mair

Street site³⁹⁷ as well as people from

the flat who wanted easy access to the

market. The press was employed by

the rival parties to support their

positions.

The most Valuable Corner Lot on Ballarat.

CARVER & DALTON have received instructions from Mrs Eyre, who is about to proceed to England, to sell by auction, on Monday next, the 9th March, at their Rooms, Lydiard-street, at 12 o'clock.

Lots 3 and 4, of Section 5, the whole forming a Corner Allotment of Half an Acre.

These allotments, in one block, have a frontage of 132 feet to Doveton-street, by 165 feet to Mair-street, and form the corner to the Market-square, being immediately opposite the Weigh-bridge.

The best Building Site on Ballarat.

The lots will be offered according to the original sale (quarter acre) by the Government, or subdivided in lots to suit purchasers.

The title is a grant from the Crown, and the terms one-third cash, balance at three and six months, bearing interest.

PLAN.

The Auctioneers in drawing attention to this sale would remind intending purchasers that it is situated exactly opposite the Market-square, and in the immediate vicinity of the contemplated Railway terminus, they therefore think it would be superfluous making any other remarks as to its superior position as a business site.

The Sale will take place at the rooms of the Auctioneers, precisely ten minutes after twelve o'clock.

Fig.30. Advertisement in *The Ballarat Star* Monday 9 March 1857 with location of Market Square and weighbridge

³⁹⁶ *The Star* (Ballarat) Wednesday 14 January 1857, The Municipal Elections, 2

³⁹⁷ *Ibid*,

The most creative measure was a letter conveniently produced to the *Star* at the height of the dispute by a Crichton Strachan, accusing the Council of ‘cool indifference’ to his many approaches over the ‘dangerous’ quarrying methods employed by the roads contractors.³⁹⁸ This was a matter raised by Mr Robert Smith as ‘irregular’ as he gave his speech for election to the council in January 1857.³⁹⁹

In the end it appears that time and the impending rollout of the rail throughout the colony was the deciding factor. As 1856 came to a close there was still no decision and with a growing rural industry, a market was desperately needed as farmers and sellers of agricultural produce were seeking a secure site to do business. As a short-term solution, Councillor Carver moved that they make use of the council hall as a week-end grain exchange.⁴⁰⁰ To make matters even more urgent, the operator of the existing weighbridge, Mr Joseph Tait, had complained to the council that the existing machinery was ‘useless’ and he would have to repudiate his contract.⁴⁰¹ This matter had proven to be an unqualified disaster with £389 spent on installation and maintenance and only £13 realised from the lease and operations for the first six months of operation by the council.⁴⁰²

³⁹⁸ *The Star*, (Ballarat) Tuesday 19 July, 1856, The Government Quarries on the Township, 3

³⁹⁹ *The Star* (Ballarat) Wednesday 14 January 1857, The Municipal Elections, 2.

⁴⁰⁰ *The Star* (Ballarat) 13 December 1856

⁴⁰¹ *The Star* (Ballarat) Thursday 26 February, 1857, Municipal Council.

⁴⁰² Income and receipts statement published for the first 6 months of 1856 in *The Star* (Ballarat) Thursday 12th February, 1857, 3

Nevertheless, with the passage of time, no decision was the best decision as the intense debate over the proposed rail from Geelong and Melbourne ended in a coup for Ballarat West and the 'North-siders' particularly due to the unfavourable terrain in Ballarat East forcing the route into Ballarat to skirt around the base of Mount Warrenheip and into Ballarat West at the southern end of Soldier's Hill.⁴⁰³ The new council was a prime mover in the endeavour as they first proposed to discuss the possibility of forming a line between Geelong and Ballarat in May 1856. This was first moved and seconded by councillors Carver and Stewart as a matter of urgency as the council minutes of 28 May 1856 reveal:

That a committee of the whole council be formed with the chief merchants on Ballarat and communications be opened immediately with the Corporation of Geelong and that the members of the Council forming the deputation to the Surveyor General bring the matter before him.

This action was likely inspired by the failure of a private consortium in Geelong at much the same time on the grounds that such an enterprise would be constructed by the government after a bill for this purpose was rejected in the Legislative Assembly.⁴⁰⁴ Government control was also strongly supported by Peter Lalor, the member for North Grenville, as he explained his position after the failure of the Melbourne, Mount Alexander and Murray River Company to deliver anything at all after three years of operation.⁴⁰⁵ Such a development had

⁴⁰³ *The Star*, Ballarat, Thursday 18 September, The Railway Route, 2

⁴⁰⁴ *The Geelong Advertiser and Intelligencer* Monday 7 July 1856, Railway to Ballarat, 3

⁴⁰⁵ *The Star Ballarat*, Thursday 25 September 1856, Mr Lalor's meeting, 2

been under discussion from February 1856 particularly by the press in consideration of the booming coach patronage between Geelong and Ballarat and the Western District.⁴⁰⁶ By July the beginnings of a coordinated scheme was emerging with a line from Geelong to Ballarat via Anakie and another from Melbourne to Ballarat in the planning stages.⁴⁰⁷

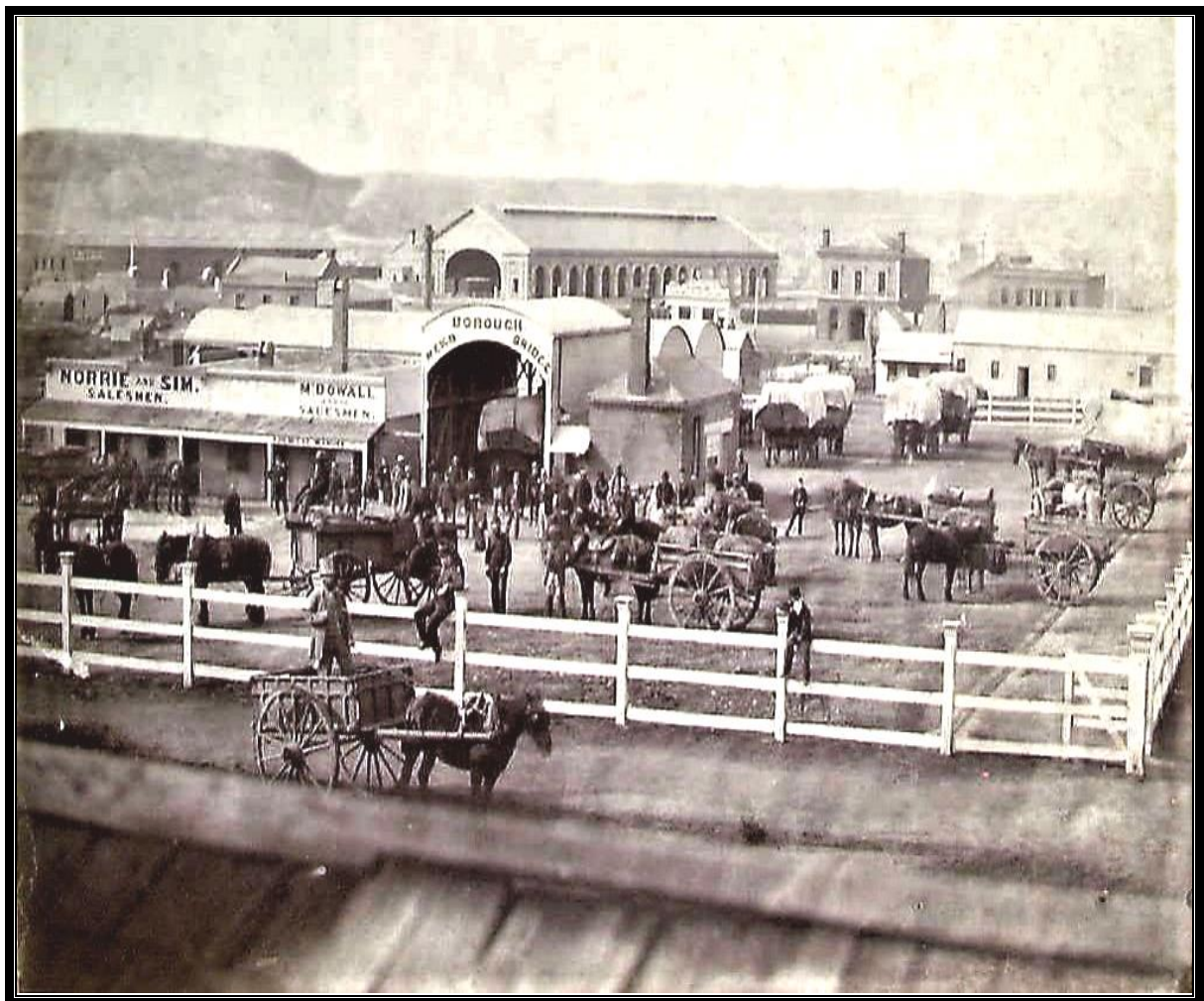


Fig.31. *Vindication for Councillor Carver: the marketplace on the corner of Mair and Doveton Streets in 1866 with the Borough Weighbridge centre and the recently completed railway station in the background: State Library Victoria, Series / Collection [A.V. Smith photographs of Ballarat and district.](#): Market Square ca 1866*

⁴⁰⁶ *The Geelong Advertiser and Intelligencer* Saturday February 2 1856 Ballarat, page 2

⁴⁰⁷ *The Age* Melbourne Wednesday July 30 1856, Railway Groups page 3, Petition Citizens of Ballaarat Direct rail line Melbourne to Ballaarat January 1857, original papers tabled in the Legislative Assembly VPRS 3253/P0000/37

Securing a decision on the Market Place was viewed according to Councillor Carver as the single defining issue in the election of the new Councillors in January 1857.⁴⁰⁸ Nevertheless, with the council still deadlocked on the matter it was proposed that as it was urgently needed, the weighbridge modifications would go ahead so as to ensure revenue was collected⁴⁰⁹ as the weighbridge at Bath's hotel was always there as another competing option. This is because of a growing monopoly known as the 'south side.'

The principal mover among this group was Thomas Bath, owner of significant property on the south side of Sturt Street. As one of the original owners of four half acre lots he controlled the fate of subdivisions around the Town Hall as well as owning Bath's Hotel, the most prominent establishment of its kind in Ballarat – also on the south side of Lydiard Street. The South side was where the mining activity appeared to be moving in 1856 and it was where the majority of funds were being spent by both the government and the public, the most immediate being the Golden Point access road and bridge. Specifically, the Gaol and Court House had been the object of intense lobbying for Government sanction for land and funds and was viewed by many with great approbation as they appeared to

⁴⁰⁸ *The Star* (Ballarat) "The Municipal Elections", Wednesday 14 January, 1857, 2, in his election speech Mr Carver stated that the Market Square seemed to be the test of qualification.

⁴⁰⁹ Council minutes, 18 February, 1857 as published in *the Star*, Thursday 19 February 1857, Municipal Council, 2.

be for the exclusive benefit of hoteliers and land owners in Lydiard Street South.⁴¹⁰

During 1856 Bath and his group which included the council Chairman James Oddie who also owned land on Lydiard and Dana Streets, had become so overtly powerful that by the elections for 1857, private meetings were held at his hotel in Lydiard Street with anti-monopoly candidate W C Smith being locked out.⁴¹¹ At the same time Councillor Carver was deposed as an outspoken opponent of the South Side.⁴¹² As the local Government Land Agent he was also likely, by virtue of the petty campaign by Oddie and inspector Dimant over his water closet during 1856 and 1857, viewed as a business rival of Chairman James Oddie a prominent private land agent himself.

⁴¹⁰ *The Star* (Ballarat) Tuesday 23 September, 1856, To the Editor of the Star (by an Uninterested Burgess) presumably Councillor Carver

⁴¹¹ *The Star* (Ballarat) Wednesday 14 January, 1857, The Municipal Elections, 2

⁴¹² *ibid*

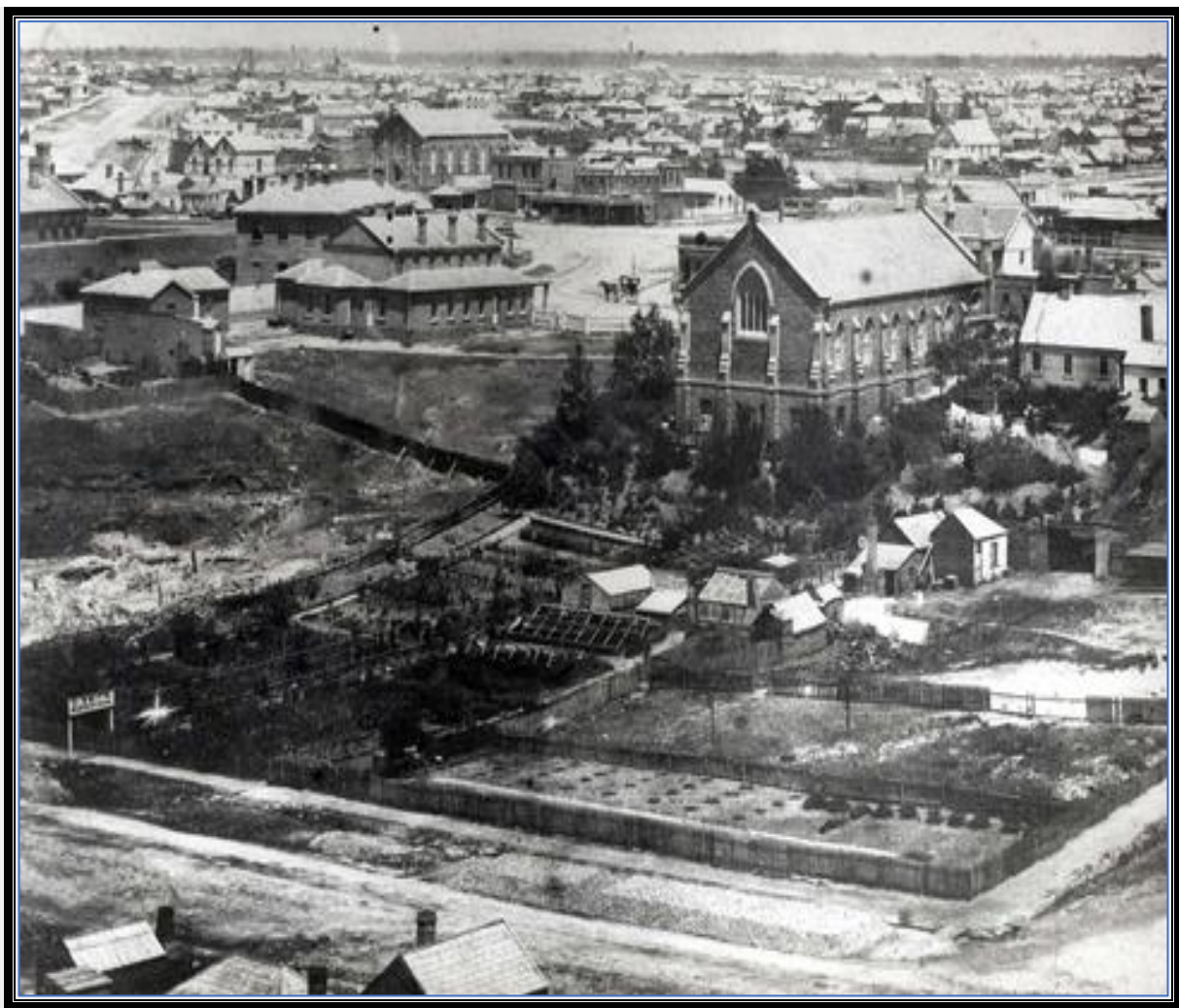


Fig. 32. 1860's Panoramic view of Lydiard Street South in Ballarat from the intersection of Lydiard Street and Dana Street. The view shows the former Ballarat Supreme Court (later the Ballarat School of Mines), the Lydiard Street Wesleyan Church (later the Ballarat School of Mines Museum), the site of the Ballarat School of Mines Botanical Gardens, George Smith's Nursery, Ballarat Gaol. From the collection of Federation University Australia Historical Collection (Geoffrey Blainey Research Centre) Federation University E J Barker Library, Mount Helen Victoria, Object Registration 04258 –

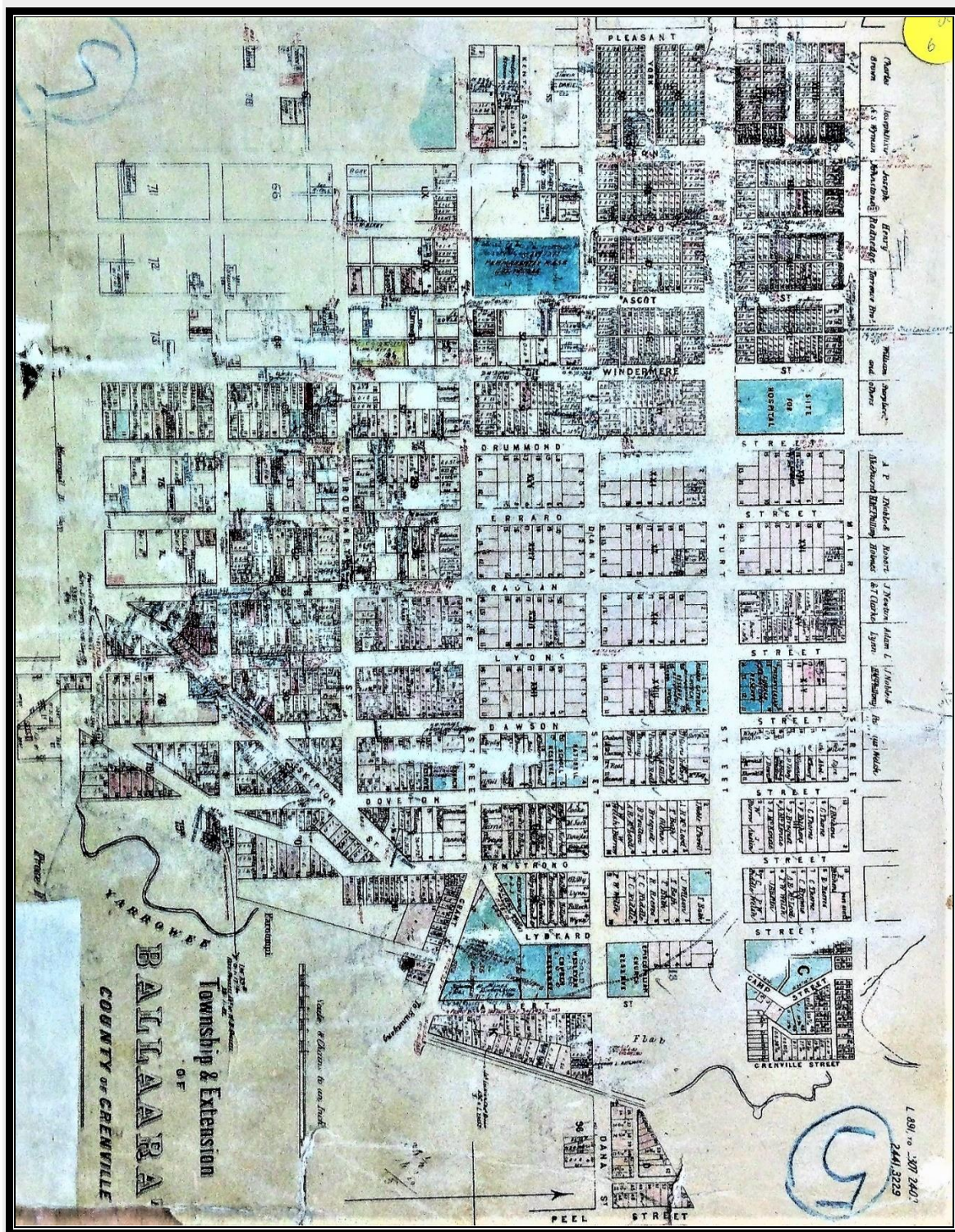


Fig. 33. 1857 plan of township and extension – note reserved land in blue – churches left and right on Dana Street and court & Gaol precinct on LHS of Grant Street – Public Records Office VPRS 2500 P0000/1 Ballarat Municipal Council Letters Inward January – December 1857

Attracting much less controversy was the proposed link between the diggings in Ballarat East and the developing areas of Ballarat South and Sebastopol. It provided as essential link between the east and the south and more importantly for Ballarat West, offered a bypass from the commercial district of Ballarat East and would 'be most advantageous to developing the trade of Ballarat.'⁴¹³ After much discussion on the matter it was agreed by all council members that this would be facilitated by extending Eyre Street to Golden Point and building a bridge across the Yarrowee creek with joint funding coming from the Public Works budget and the council rates. Verbal agreement from the Colonial Government was obtained by Chairman James Oddie while in Melbourne attending the Municipal Delegates conference that they would assist with fifty percent funding of the expense.⁴¹⁴ By the end of 1856 the *Star* so described it:

... the formation of the new road across the flat, from Armstrong Street to Golden Point, the aspect of the locality is greatly changed from its position six months ago. Already a street has sprung up on the Golden Point side leading from the bridge to Old Post Office Hill, and shops and hotels and private houses are pretty numerous ... there are the crushing works of Messrs Black on the north side of the road and on the south a continuous line of dwellings and stores⁴¹⁵

It proved to be a far-sighted decision continuing to be a major link between east, west and south Ballarat current at the time of this thesis in 2018. The year of 1856 thus concluded turning the final page on the old era. A new age had begun with Ballarat linked on all sides with a system of roads, order established in the

⁴¹³ VPRS 13007 P0001 Council Minutes, 6 March, 1856

⁴¹⁴ *The Star* (Ballarat) Thursday 14 August, 1856, Municipal Council, 2

⁴¹⁵ *The Star* (Ballarat) Saturday, 17 January, 1856, Local Intelligence, 3

town's streets, organised waste services and bye-laws in place to regulate buildings and living conditions.



Fig. 34, 1870 photograph with view of Eyre Street extension to Golden Point and bridge over the Yarrowee top left with School of Mines, court house and Gaol centre top and immediately right. And bridge over the Yarrowee top left with School of Mines, court house and Gaol centre top and immediately right. Photograph – black and white – Lydiard Street South, Ballarat 1870 – Victorian Collections DSCN2315.JPG
<https://victoriancollections.net.au/items/59b1dc2621ea671de4ccf4dd>

To complete the transition, on Wednesday 3 December 1856 the year concluded with the arrival of the telegraph. It thrust Ballarat West from the old personal, word-of-mouth age into the modern age of 1857 with the flick of a switch. In the spirit of improvisation that characterised much of that era the *Star* reporter described it:

There being no accommodation ready at present, the spot selected was the last post near the Unicorn Hotel on the Township. A wire was carried from the post to a small testing machine placed on a stump at its base, and thence – to secure moisture – carried to the stream adjoining, which runs from Mr Bath's claim. For a considerable time no notice was taken of the repeated attempts of Mr McGowan to obtain a 'hearing' ... About half past eight however, a responsive – click – click – was obtained ... Mr Humffray who was at the Melbourne station, then transmitted the following remarks to Mr McGowan – "The establishment of the Electric Telegraph between Ballarat and Melbourne is a far more pleasing event to celebrate on the anniversary of the 3rd of December than stockades and massacres." – Yours faithfully, J B Humffray.

“The establishment of the Electric Telegraph between Ballarat and Melbourne is a far more pleasing event to celebrate on the anniversary of the 3rd of December than stockades and massacres.” J B Humffray.⁴¹⁶

Conclusion

J B Humffray’s statement when the telegraph was connected to Ballarat exactly two years after the Eureka Stockade, thus sums up the values of the 1850s generation at Ballarat – embracing the modern world with technology and new forms of social infrastructure rather than by revolution and social conflict. It shows how far the Ballarat community had moved since 1854. Such progress as this thesis has argued, was due to the initiation of local government which was the vehicle for new and improved ways of managing a community. By offering a new managing body it also provided healing for the community and hope for a progressive future after the traumatic events of 1854.

The goldrushes of the 1850s brought to Victoria a high proportion of educated, and highly literate artisans, an influx of the ‘casualties’ of British modernity. This was Geoffrey Serle’s ‘morally enlightened elite’⁴¹⁷ – the generation that came after Chartism, outraged at the ongoing structural inequality of the political and cultural system back home, but also imbued with the emerging values of free trade, liberalism, the civic gospel of George Dawson and the possibilities of science and technology as the British population rapidly urbanised.

⁴¹⁶ The *Star* (Ballarat) 4 December 1856

⁴¹⁷ Geoffrey Serle, *From deserts the prophets come*, Heineman Melbourne, 1973, p25

The elected members of the first council such as Chairman James Oddie, Robert Muir, Dr James Stewart and local parliamentary representative J B Humffray were shining examples of this generation believing progress was possible in the colony of Victoria as part of the British political system free of the entrenched customs and institutions back home and the absolutism experienced elsewhere in Europe. Fundamental was the liberal belief that taxes should guarantee the provision of social services such as legal and police protection as well as political representation.

This ‘social contract’ was, as Goodman reminds us, based on a belief in the ‘egalitarian genius’ of the British constitution with trial by a jury of one’s peers acting as a defence against aristocratic or monarchical tyranny through the application of ‘equal knowledges.’⁴¹⁸ It was expressed visibly in daily life through the presence of the police, preserving British institutions as upholders of order, and public morality through licensing and surveillance⁴¹⁹.

However, in the eyes of the Goldfields population at least, the initial management of the district by the Goldfields Commission with its marauding police troopers, had taken a step backwards into tyranny and disorder. The ‘old’ methods under the Commission had encouraged the disorder epitomised by the Bentley Hotel affair in 1854 and failed to provide any real local benefit or

⁴¹⁸ David Goodman, *Goldseeking: Victoria and California in the 1850s*, Allen & Unwin St Leonards NSW 1994, p85

⁴¹⁹ Ibid, p75-77

services for taxes collected. This triggered a furious backlash from the mining populations across the colony. At Ballarat this culminated in the formation of the Ballarat Reform League and the Eureka stockade and continued into 1855 after the demise of the Goldfields Commission.

During 1855, as I have shown, the key role of the Victoria Reform League and J B Humffray continued achieving democratic reforms at local and colonial levels. In concert with the local population, the failure of Government was exposed in the breakdown of law and order and the inability to protect the local population, particularly the commercial establishments. In the early part of the fifties this was viewed as one of the hazards prospectors experienced away from civilization. But, by 1855, Ballarat was becoming a permanent urban centre with goldmining offering a basis for diversifying industries such as engineering and construction. This change in the nature of society and the longevity of the gold deposits was also recognized by the politicians in Melbourne who viewed extending local government to the regional goldmining centres as an essential element in developing the economic prospects of the colony. Thus, locally in 1855-57, as Quaife pointed out, the call for political rights was being replaced for the call for local progress and 'jobs, roads, and bridges.'⁴²⁰

However, from the perspective of the present day, it is clear that once attained, local government in the mid-1850's in colonial Victoria was a far cry from the

⁴²⁰ G R Quaife, 1967, 'The nature of political conflict in Victoria 1856-7', p221-230

local self-government proposed by British commentators such as Joshua Toulmin-Smith. There were no provisions in the Act for local policing, and limited power to raise funds for much needed infrastructure, both fundamental and on-going deficiencies in the Local Government system highlighted by David Dunstan from its inception⁴²¹. Nevertheless, public order was restored quickly under the Municipal Government, as many of the tasks carried out by the police such as surveillance, licensing, permits and regulation were assumed by the Council. A great deal of credit for this must be given to Alexander Dimant the town Inspector of Nuisances and his diligent attention to detail.

However, as the Ballarat residents were reminded by the central Government, police protection was very costly for such a widely dispersed population, reminding us that in Britain and even more so in the Colony of Victoria, the transition to modernity was based on the capacity to pay for the necessary infrastructure leaving many local communities dependent on outside sources. Thus, while British Chartists and Liberal reformers achieved early Local Government power after 1835 and often through protracted legal action, eventually, as Fraser and Hennock⁴²² point out, it fell to the Tories with their political and financial connections to achieve real progress with necessary sanitary and infrastructure progress in the cities. Likewise, in Victoria at Ballarat

⁴²¹ David Dunstan, *Governing the metropolis: politics, technology and social change in a Victorian city: Melbourne 1850-1891*, 1984, pp 23-41

⁴²² Derek Fraser, *Power & authority in the Victorian city* 1979; E P Hennock, *Fit and proper persons: ideal and reality in nineteenth century urban government*, 1973

beginning with a base of only 595 rateable properties in 1856, the financing of large capital works could only be achieved with assistance from the Colonial treasury.

Nevertheless, with the equity of property now available for a large group of eager entrepreneurs in Ballarat West, this did not stop the new councillors seeking direct forms of financing for the water supply at the swamp, an enterprise that ended in bitterness and local division between east and west and ultimately in the hands of the Colonial Government. Notwithstanding, it was no coincidence that the founding members of the Ballarat West Municipality were all men of commerce who saw municipal government as a vehicle for enhancing business opportunities through the aggressive lobbying for the introduction of public amenities such as roads, public buildings, rail and telegraph. Although initially heavily dependent on capital grants from the colonial treasury, in the eyes of J B Humffray and the leaders of Ballarat West, this was justified by the unfairly distributed revenue collected since gold discovery in 1851. This point was strongly advocated by the hitherto unrecognized efforts of local politician J B Humffray⁴²³ elected in 1856, who worked tirelessly to satisfy the political demands of the miners' charter in 1854 and to implement the miners' program of modernization and decentralization as described in the Age.

⁴²³ Diane Langmore, 'Humffray, John Basson (1824-1891)', *Australian Dictionary of Biography, Volume 4*, (MUP) 1972

Despite factionalism that emerged over the creation of public assets, the first councillors put the Council and the municipality first, at least during the first twelve months with their personal guarantees a declaration of their faith in the new governing body. The first twelve months was a steep learning experience as they fought hard with recalcitrant lawyers, miners, officials and squatters and the easterners, to establish their authority and maintain the integrity of the town, its assets and its municipal boundaries.

They created a model of management that involved consultation and the strategic placement of members such as Cr Muir as Chairman of the District Roads Board and others in the Chamber of Commerce as an ambitious program was drafted and enacted for Ballarat West and for the district as a whole. While the limitations of local powers were not originally fully comprehended, the founding members were committed to a program of progress and development in order to maximise local prosperity. This overlooked function of municipal councils as argued by Bligh & Grant and Power et al, is exemplified in the role that the Ballarat West councillors played in the district in 1856-7⁴²⁴ by creating roads, a water supply, the marketplace and facilitating arrangements for the telegraph, rail and other infrastructure projects like the court house and their own Town Hall.

⁴²⁴ Bligh Grant & Joseph Drew, *Local government in Australia: history, theory and public policy*, 2017; John Power, et al, 'Overview of local government in Australia', 1981

Just as importantly, this study has also uncovered the unheralded contributions by leaders such as Robert Muir, and J B Humffray in that foundation period of 1855 – 1857 for Ballarat West.

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APPENDIX

APPENDIX I

Based on rated property in Ballarat West Rate Assessment Book 1856⁴²⁵

1856 Ballarat Property Summary

Cottage/Land (Behind Store/Shop)	35
Cottage/tent - do – Tenanted	13
Cottage and Buildings	4
Cottage and Buldings – Tenanted	3
Office -	8
Office - Tenanted	16
Office and Buildings	1
House and Land	16
House and Land – Tenanted	4
House/Store and Buildings	7
Store and Land	16
Store and Land – Tenanted	9
Store and Cottage/house/Buildings (let)	5
Government reserve - vacant	2
Government Land - occupied – tent	1
Vacant land	241
Vacant land – tenanted	42
Land and Boarding Hse – Tenanted	3
Vacant Land - not rated	19
Tents and Land	7
Tents/hut and Land- Tenanted	20
Hotel and Land	7
Hotel and Land – Tenanted	4
Shop/Manuf/Dining - Tenanted	28
Shop/Manuf/Dining and Buildings	26
Buildings/Garden	8
Pasture (not rated)	2
Tent /stables- Tentanted	2
Yarding/timber/Stables - horse/cattle	6
Yard (tenant)	5
Cottage and Garden	12
Cottage and Garden - Tenanted	1

Total 573

⁴²⁵ Public Records Office Ballarat Rate Assessment Books 1856 – 1857 VPRS 7260/P0002/1

Owners	392	
Renters	137	137-49-42=46
Commercial	49	
Private	88	
Vacant land	42	
Total Renters	46	
Ratio 46/573	0.08	

Appendix II

General Correspondence Files 1856-1857 VPRS 2500/P0000/19

GOLD MINING
ON
SEBASTOPOL HILL, BALLARAT;

WITH

Plans and Sections

**SHOWING THE CONTOUR OF THE SURFACE, THE SEVERAL BEDS OF
ROCK, CLAY, AND SAND, AND METHOD OF SURVEY
AND LAYING-OFF OF CLAIMS, WITH
EXPLANATIONS THEREOF;**

INDICATING THE PROBABLE COURSE OF THE LEADS.



**PREPARED BY ORDER OF THE COMMITTEE OF THE
FRENCHMAN'S AND WHITE HORSE LEADS,
FOR THE BENEFIT OF THE BALLARAT HOSPITAL.**

BALLARAT:
PRINTED AT THE STAR OFFICE, MAIN ROAD.
1857.

Gold Mining on Sebastopol Hill,

BALLARAT.

THE history of Ballarat, more than that of any other gold-field in the world perhaps, has shown a succession of engineering difficulties, surmounted only by the miner's physical courage and by indomitable perseverance. Many who had engaged in gold mining had never previously performed any kind of manual labour; but so great was the fascination of the pursuit, that tasks the most arduous were performed under difficulties the most discouraging. Works requiring high mechanical skill were undertaken by men who had not the slightest acquaintance with mechanical appliances; yet the miner worked on undaunted, and, as new difficulties presented themselves, he sought new remedies by which to overcome them. Until with the year just past, however, mining operations were conducted in a very rude and primitive manner; the means available to the miner being exceedingly limited, while the most extravagant prices were demanded for every description of material required in the process of gold seeking on the deep leads.

The digger found gold on the surface first, then he sought beneath the ground, and found the precious metal also at a few feet below the surface. As the gold receded from its apparent source, it still went deeper into the bowels of the earth, whither it had been washed by currents of water that had evidently rushed with great violence; wearing out their own course through the primitive rocks, and forming those channels, long since buried by superincumbent strata of rock and alluvial deposits, and known as the gutters or leads which the miner expends so much time and labour in reaching and ransacking. The waters bore along with them to these gutters fragments of slate, sandstone, quartz, and vegetable matter, the whole being known to the miner as the auriferous wash-dirt which contains the gold that enticed him to the exploration of these ancient water-courses. The subsequent deposits have accumulated in some instances to a depth of three hundred feet, including layers of drift sand heavily charged with water, and varying in depth from sixteen to twenty feet. These drifts, formed as they frequently are of quicksands, baffled the utmost skill and perseverance of the miner, who, in the early days of gold mining on Ballarat, has been known to continue baling water for six, eight, and even nine months in order to drain the ground. Gradually the miner became accustomed to sinking through the alluvial deposits intervening between the surface and the gutter; and the employment of divers mechanical agencies, including steam-power, and the gin, or horse-whim, as it is called here, helped in the reduction of the water, which has ever been the miner's greatest difficulty. Mining had thus begun to assume a different aspect, when, to the astonishment of the miner, the leads or gutters were found to run under layers of basaltic rock, in some cases fifteen or twenty feet thick. The discovery of this fresh impediment to the conduct of mining operations led to the inauguration of an entirely new era in the pursuit of the precious ore. Men who had the slightest knowledge of blasting were eagerly sought for, and persons quite unaccustomed to that dangerous occupation, in many instances never having seen it performed even, with the usual courage of the Ballarat miner, set to work

and sunk shafts through the hard rock. Notwithstanding this new element of danger was introduced, it is worthy of remark that few accidents occurred, although, as has been already observed, many of the men engaged were perfect novices in the practice.

Things were thus progressing, when, to quote a Colonial expression, a "*new rush*" broke out at Magpie Gully, a ravine situated in the southern environs of Ballarat Proper. The lead of gold then discovered proved to be very rich, and, as will be seen upon the map, joined a previously-discovered lead called the Chinaman's. The united leads then took a north-westerly course, and fell into the Frenchman's at the point shown on the chart. After the junction the lead was called the Frenchman's, and it yielded a fine golden harvest to those who were fortunate enough to find its course as above alluded to. Many were the speculations as to the direction the gutter would take; and, while it appeared to tend directly towards a hill that was known to be basaltic, few miners deemed it possible that the lead would be found to continue underneath the hill. Consequently, trial or "prospecting" shafts were sunk in all directions but that which eventually proved to be the right one; until at length the margin of the basaltic rock was struck, as the gutter was traced to a point below the Yarrowee Creek, which will be seen on the map to cross the gutter at right angles. The rock being struck, the problem as to the tendency of the gutter was solved, and it became evident the gutter would be found to run under the plateau beyond the creek, and which rises abruptly to an elevation of nearly one hundred feet above the level of the valley below. The depth of sinking in the valley was then about one hundred and thirty-two feet, and with the extra depth of hard rock to go through on ascending the hill, the prospect, even of the rich gutter beneath, did not look particularly cheering.

About this time the first Local Court was established at Ballarat. This popular institution was one of the results of the Eureka Stockade movement, and was intended to have the management of mining matters; the presumption being that, as its members consisted of practical miners, an improved system of mining legislation would be introduced that should lead to a fuller development of the resources of the gold fields generally. Nearly the first act of the Local Court was the abolition of the practice of "shepherding," or holding claims in reserve and unworked; by which practice one man would mark out as much ground as was apportioned to eight men, which he would keep possession of until the course of the gutter was proved by those who worked instead of shepherding. If the gutter seemed likely to approach the shepherd's claim, a matter which, from the sinuosities of the lead, will at once be seen to be uncertain until the ground had been proved to within a short distance of the claim held in reserve, the shepherd would sell shares in his eight-share claim, and in many instances a good round sum would be obtained without the vulgar interposition of hard work. With the basaltic hill before the miners on Frenchman's, it became a question—how could men afford to sink without a guarantee of the gutter? Under the old system it was known that, for one party who would strike the gutter, twenty might be ruined; and the attention of those interested was given to the matter as one of vital importance to the miner. After several meetings had been held, Mr. Bacon suggested the adoption of a plan which had been mooted previously; but it had met with such vehement opposition, that it had to be relinquished.

This plan was to give a definite length of the gutter to each party, and to mark the claims in parallels across the course of the gutter, instead of the old method of square blocks. Finally the thing was carried in the Local Court by a majority of one, and thus the frontage system of claims became law. The experiment was soon made, but not without opposition; and as one of the first steps taken, Mr. John Wall was appointed surveyor expressly for Frenchman's Lead, such an officer being necessary under the frontage system, and that gentleman being the first who accepted the novel position in the district, as that lead was also the first to which the system was applied.

The new system being fairly introduced, work commenced on the hill west of the Yar-

rowee, and went briskly on; while the sound of the hammer and drill, and the frequent boom of the blast, showed the miners were in earnest. It should be mentioned that a party of Newcastle men, endowed with more than an ordinary spirit of enterprise, had commenced a shaft on the table-land above the creek, and some forty yards from the brow of the hill. They went to a depth of about one hundred and thirty feet before regular operations had been begun on the hill, and proved beyond a doubt that two distinct layers of rock would be encountered, the second one containing an immense body of water, and thus presenting a new and greater difficulty than any previously met with by the miner. The party did all that unaided human labour could accomplish, and it was unanimously agreed by the miners on the lead that the party should have the first place, and be protected as under the newly-introduced frontage system. The map will show that the line of parallels commences from the ground occupied by the Newcastle party. The frontage system was soon followed by the plan of amalgamation of claims, or the union of several separate claims under one management, and working on the associative principle. The committee that had been appointed to perfect the new system continued to hold office; for it was found that the working required careful supervision, in order to the introduction of such improvements as might be suggested in the practical application of the system to mining operations.

Shortly after the registration of the Frenchman's Lead a trial was made of the White Horse Lead, which had been thought by some to have run out or to contain so small a portion of gold as not to be worth working. The enterprise of some "prospectors" by the creek-side, however, demonstrated the fact that the gutter still yielded gold in paying quantities, and application was forthwith made to have the lead placed under the frontage system. A large number of claims was taken up, companies were formed, and the lead which had been forsaken for nearly two years was again all life and activity. The experience of the miners here showed that the gold has been sometimes carried over steep inclinations of surface and deposited plentifully in the levels beyond; as this lead, which was very poor while running down the declivity shown in the cross section of the map, is now paying good dividends to the miner.

The two leads, Frenchman's and White Horse, being so near each other, it was determined to have one committee for the two, under the name of the amalgamated committee of the two leads; and among the other acts of this committee it was resolved to cause a trigonometrical survey to be made of the leads in the immediate neighbourhood, tracing the leads to their source in the range to the east. One motive to this was the hope of placing in the hands of the miner some data showing the nature of the gold deposits and the geological structure of the district in question; and which should be also a kind of record and *souvenir* of the locality which had been the scene of his anxious labours, his difficulties, privations, and dangers.

The accompanying maps, executed by the surveyor, Mr. John Wall, are the result of the resolution of the committee: the first, or surface-map, showing the source of the leads on the east side of the Yarrowee creek. The range consists of primitive schist, interlaced with veins of gold-bearing quartz, and is evidently the source of the leads, running thence in a westerly and other directions; the washing-stuff of the miner being the *debris* of the primitive rocks, loosened by denudation of the elements, and carried by the agency of water into the channels or gutters previously referred to; the glittering ore being thus transported to a considerable distance from its matrix to form the lead which subsequent accumulations of strata placed at a depth of three hundred feet from the surface of to-day, while recent elemental operations have, from the same source, strewn the present surface with fragments of the precious metal, the search for which led to the discovery of the deeper and more ancient deposits now known as our deep leads. Sinking his shaft through one hundred and sixty feet of basaltic rock, the miner finds under one layer a deposit of very hard sand conglomerate, sometimes twenty feet thick; then comes the second layer of basaltic rock, con-

taining a heavy body of water, which, defying the efforts of manual labour, necessitates the employment of steam-power to keep the water under in the process of blasting. Under this second layer of rock grey clay is found, then a deposit of black clay, so largely composed of vegetable matter as to resemble coal in appearance and structure. This last deposit always lies over the gutter, and is a sure indication to the miner that he is upon or near to the gutter. From the appearance of this deposit of black clay it is pretty evident that at the time of its deposition, which was prior to the overflow of trap or basaltic rock, the same species of trees existed as now clothe our hills and valleys; specimens of the clay having been found bearing the exact impression of the leaf of the peppermint-tree, one of which specimens is now in the possession of Dr. Kenworthy. As the leads recede from their source the gold becomes finer and is found in much smaller quantities; so that, while the labour and expense become greater, the remuneration is smaller.

The following statistics of mining on the Frenchman's Lead will show that as the workings advanced, without an increase in the area of ground, the operations of the miner became so tedious and expensive as to reduce the margin of profit to a mere nothing, and in some instances to a positive loss.

STATISTICAL TABLE,

Showing the Expenses and Nett Produce of the first Twenty-seven Claims on Frenchman's Lead, (under the Frontage System), with other important data :—

Number of Claims.	Depth in feet.	Depth in feet of rock.	Extent in feet of Drives to the Gutter.	Expenses.	Gross produce.	Wages.	
1	240	100	170	£ 450	£ 4185	£ s. d.	The wages in this Table are for full-sharemen, hence it will appear that in No. 10-12 quarter - sharemen would only get 2s. 6d. per day.
2 — 3	305	170	120	718	6260	0 17 6	
4 — 5	370	225	110	650	3700	0 8 0	
6	335	120	130	700	4050	1 6 0	
7 — 9	380	210	270	700	9000	1 0 6	
10 — 12	440	250	90	2000	6500	0 10 0	
13 — 14	400	220	50	710	3000	0 11 0	
15 — 19	800	430	110	1000	9100	0 9 0	
20 — 22	584	331	210	900	9000	0 15 0	
23 — 27	912	641	370	3050	15,000	0 9 0	
	4766	2767	1630	10,878	69,795		

Subsequent regulations have, however, allotted a much larger area to each company; a step absolutely necessary to compensate for the increased difficulties and outlay of the miner. In No. 35 claim a third layer of basaltic rock has been found at a depth of two hundred and twenty feet from the surface, and in No. 70 the same layer has been found to be much harder and more difficult than any previously discovered; while in No. 56, a fourth layer of the same rock has just been struck, or what at least appears to be precisely identical with the layers encountered above.

PLAN SHOWING THE RELATIVE POSITIONS OF THE LEADS & PARALLELS.

This plan shows the relative positions of the several leads, and exhibits at one view the courses of the present and the ancient valleys. The series of eminences whence the Long Gully, Cobbler's, Magpie, Chinaman's, Frenchman's, White Horse, and Terrible Leads take their rise, forms part of a schistose range running north and south; the quartz veins in which are regarded as the matrices whence the gold has been derived, which carried down the watercourses of the ancient valley, forms the treasure for which the gold-miner so laboriously delves. That valley ran in a westerly direction, crossing the course of the present valley at right-angles. The watercourse shown on the plan is called the Yarrowee Creek or River Leigh, and joins the Barwon a few miles north-west of Geelong—the Barwon emptying itself into Corio Bay. It may be mentioned here, that owing to the incessant washing of auriferous earth in the Yarrowee and its tributaries for several miles of its course, the waters of the Barwon were at one time rendered partially unfit for drinking, to the great disgust of the people of Geelong, who forgot not to complain of the detrimental effects of the miners' gold-washing, although at a distance of some fifty miles. The parallels, as laid off under the frontage system, are shown in the plan, the varying widths of parallels indicating the smaller or greater number of claims "amalgamated," or joined together to be worked through one shaft. The locality of Campbell's boring experiment is on the Frenchman's Lead, between Winters' boundary line and the last parallel. The square black marks on the parallels show the distance of the shafts from the gutter, and the course of the drives; when more than one black mark occurs, all those after the first indicate "blind" or "monkey" shafts sunk in the drives; a plan adopted in preference to sinking a new shaft from the surface. At this date (March, 1857) the gutter has been traced as far as the Leviathan parallel on White Horse, and the Redan parallel on Frenchman's; and from the course of the two gutters a confluence is expected near the parallel of the United Miners' Company, on Frenchman's. In anticipation of this junction, registration on both leads was stopped by the Local Court in January of this year.

PLAN OF SECTIONS OF WHITE HORSE AND FRENCHMAN'S LEADS.

The most prominent feature in this plan, as it indicates also one of the greatest obstacles to the miner, is the basaltic rock, or beds of volcanic lava; three separate beds of which, not to mention the discovery of traces of a fourth, have already been found by the miners on these leads. The flow of these deposits of lava appears to have been from the south-west, and the most recent must have taken place at a time in the past so remote as to be only calculated approximatively even by the geologist. This effusion of lava flowed from the volcano over the intervening country, until stopped by the barrier interposed by the range of primitive rocks where the leads shown in the other plan have their origin. The plateau on which the parallels are laid off in that plan, was evidently at one time extended close up to the range; the valley between having been scooped out in the course of ages by the action of water and other agencies. The basaltic mounds shown east of the Yarrowee in the other plan, being remains of the rock which originally crossed the valley on the level of the plateau.

These beds of rock are exceedingly hard, and can only be removed by the process of blasting; their color is dark-slate, and the second bed has been found to be full of fissures holding immense bodies of water: thus containing within itself what is, after all, perhaps, the greatest enemy the miner has to contend against in his operations.

On comparing the contour of the valley of the Leigh, when the passage the latter has worn in the basaltic rock is shown, with that of the ancient valleys worn in the rock

marked W, by the streams now called the Frenchman's and White Horse gutters, the uniformity of effect produced by analagous causes, is very apparent.

The several layers of clay which make up the whole series of deposits over the gutters, must have taken long periods in their deposition, and their various colors indicate great climatic and meteorologic changes. The red clays, doubtless, owe their color to the oxydisation of mineral substances either mixed with the earth deposited, or held in solution among the waters accompanying the deposition.

The layers of black clay derive their color from the presence of large masses of decomposed vegetable matter. In the black clay, which is almost invariably found immediately over the auriferous deposit of the gutter: trunks of trees and other portions of wood are frequently found, preserving still their form, but so completely decomposed as to crumble to dust when exposed to the air.

The drifts (marked M) are the great dread of the miner, especially the novice; and many a life has been lost, and many a shaft also "lost" or ruined while sinking through those beds of sand. The danger and difficulty consists in the combat with a deposit of sand, oftentimes exceedingly fine, and charged with an apparently exhaustless flow of water; the want of cohesion among the particles of sand, added to the weight of water, rendering it a matter of the most extreme difficulty to fix the shaft timber in its place, so as to preserve the labor of, it may be months, from total destruction by the sudden rushing down of the drift, sand, and water, and consequent falling in of the walls of the shaft. In some cases when the source of water in these drift-beds has been higher than the point struck in sinking the shaft, the rush of water has been so great and rapid that the miner has not been able to escape; and before his mates could haul him up from below, the water has risen above his head and drowned him.

"The reef" is a term in constant use among the miners, and is the name given to the bottom or primitive rock, upon which all the alluvial, diluvial, and volcanic deposits rest; including, of course, the lowest of all, and best of all, the auriferous bottom of the gutter. In the lower portion of the plan, showing the cross section of the Frenchman's and White Horse Leads, the "reef" is seen to rise between the two leads in the form of a cone; the gutters, or old water-courses, having been filled up by a series of depositions that have not only covered over the ancient creeks, and filled the valley up to the top of the hills of those days—or reefs, as they are now called by the miner; but layer upon layer continued for nearly two hundred feet higher still. Thus, should "chaos come again," and the present valley of the Leigh, as seen in the upper portion of the plan, be filled up, and miners of the year 20,000, or somewhat later, perchance, essay to find the gutter of the Leigh—"reefers," instead of landing upon "micaceous sandstone," would, of course, bottom upon the dark-basalt, marked B, and shown on both sides of the creek rising in precisely the same manner as did the old rock from the sides of the ancient creeks now known as Frenchman's and White Horse gutters.



Appendix III

April 1855 Public rally of local residents and Victorian Reform League on Law & Order Crisis: *The Age* (Melbourne, Vic. : 1854 - 1954), Tuesday 17 April 1855, page 5

Ballarat should be in the disorderly condition it now was, and secondly, he regretted that we were under a government which could not fulfil the first duty of a government, namely, the protection of life and property. Nothing shewed more plainly the inefficiency of a government than the feeble administration of justice, and, certainly, from the specimens he had seen, he should say that colonial justice resembled very much the justice spoken of by Butler,—

Which winks at crimes,
But stumbles on innocence sometimes.

However, they had not met there to argue, but to act. They had not met there to discuss political questions, but to redress social grievances. They all knew the facts. Outrages were perpetrated in the very midst of them, and the police were totally inefficient. "Necessity had no law." If the government would not give them protection, they must protect themselves. The number of police now on the diggings was totally inadequate to the duties they were required to perform. It was true there were ninety soldiers on the camp, who, he believed, were principally occupied in the arduous duty of polishing their bayonets and pipeclaying their belts. He would suggest that, as the soldiers were quite unnecessary, they should be sent away, and an efficient police force sent in their place. The speaker then called upon the meeting as inhabitants of Ballarat, to vindicate the district in which they lived, and shew, whilst they valued their political rights, and were determined to work for them, they were not inclined to allow a few organised ruffians to make this gold-field notorious for outrages committed upon it. He concluded by moving the following resolution:—

2. That as outrages on person and property are sure to be more numerous as the winter advances, this meeting is of opinion that a committee should be formed to organise volunteers for the protection of life and property.

Mr. C. F. NICHOLLS seconded the resolution. He said that this was not a question on which to make speeches, but to act determinedly. He, for one, could not understand why Ballarat should not be as well protected as Melbourne or Geelong. The amount of property on the gold fields was very large, and the owners of it had a right to protection from the Government. The miners and storekeepers were taxed for the ostensible purpose of supporting an efficient police, but if the Government still continued to neglect this important matter, he considered that

they were obtaining money under false pretences. What they had to do at present was to see after their own safety. A memorial to the Governor would of necessity not receive an answer for some time, but the danger was imminent. It had been said that those who took part in this meeting would be marked. He for one felt perfectly indifferent to any threats of that kind, for he was able and willing to defend himself, if he should be compelled to do so. After quoting some facts relative to the present inefficiency of the police, the speaker concluded by calling on the meeting to act with energy and unanimity in this matter.

The resolution was put in the usual manner, and carried.

Mr. BINNEY, of the firm of Binney and Gillot, moved, and Mr. Allen, a miner, seconded the third resolution, with some useful and practical remarks.

3rd. That the following gentlemen form the Committee for the protection of life and property, with power to add to their number:—

Mr. Robert Muir

Mr. H. R. Nicholls

Mr. Robert Muir
Rolf
Oddie
Wilson
Abrahams

Mr. H. R. Nicholls
Lester
Norman
C. F. Nicholls
W. C. Weeks

The resolution was put and carried unanimously. Mr WEEKES next presented himself, and proceeded to read the form of memorial to His Excellency, as follows:—

To His Excellency Sir Charles Hotham, K.C.B., &c.—
The Memorial of the Storekeepers and Miners of Ballarat, in public meeting assembled.

Sheweth—That for some time past outrages on persons and property have been extremely prevalent on Ballarat.

That the evidence of storekeepers and miners, taken before a Sub-Committee of the Victorian Reform League proves that the police are totally inefficient in affording protection to your memorialists, and that outrages on person and property are becoming more numerous and audacious every day.

Your memorialists therefore pray that your Excellency will take immediate steps for providing a sufficient force of police to supply protection to the inhabitants of Ballarat, and thereby to save your memorialists the inconvenience of organising themselves for mutual protection.

And your memorialists will ever pray.

Mr WEEKES in conclusion observed, that this was a measure of the highest importance. He wished always to act constitutionally. The Government had a right to give the people protection. There could be no doubt as to the facts; the present dangerous condition of the diggings was patent to all the world. But if the Government did not protect them they must protect themselves. He wished that the Governor would see the importance of this matter and take immediate steps to remedy the present defective condition of the police on Ballarat.

Mr ROLFE seconded the adoption of the memorial. He said he regarded the meeting as highly useful and necessary. He had been "stuck up" several times and even then was suffering from illness caused by exposure in guarding against depredations. He thought it was high time that some energetic measures were taken. If the Government would not and could not protect them there was only one course. The speaker concluded his very pertinent observations by stating, that he trusted something would be done at once to remedy the present bad state of affairs here.

The memorial was adopted by the meeting for presentation to the Governor, amidst loud applause.

Mr H. T. HOLYOAKE moved that a subscription be made to defray expenses of meeting, printing report, &c., which being carried, a vote of thanks was passed to the chairman, and the meeting separated.

It was noticed that several of the "rowdy" mob were in attendance, and inclined to be boisterous. The greater portion of the meeting seemed anxious that immediate and active steps should be taken to crush this dangerous evil. The committee appointed at the meeting meet on Monday evening to arrange matters for further organisation.

April 14th.

During the week a portion of the gang whose malpractices have of late annoyed us, have been captured. Messrs. Commissioner Daly, Sub-Inspector Nicholson, and Lieutenant Stoney, with a body of mounted troopers succeeded in doing this near Slaty Creek, where these worthies had made a regular settlement, and while nominally carrying on a lawful business, managed to obtain a living in a more questionable way. A large quantity of goods and a considerable sum of money are reported to have been found on

way. A large quantity of goods and a considerable sum of money are reported to have been found on the premises, and as the men (six in number) have been remanded at the police-office for eight days, it is to be hoped that most of the property may be identified. I understand that, among the other things which have been come at, is a dog belonging to Mr. Duly. It was a rather singular greeting for this gentleman to find his own dog fawning upon him in the head quarters of such a party. It is said that a horse which was found in their possession had the brand on his shoulder, and a mark on his forehead, out out, lest he might be recognised by his owner. One of the six was up at the last sessions here, but was acquitted. He stands a fair chance of again being honored by Mr. Crown Prosecutor Stawell's attention on the 20th instant. It is well that the affair has been nipped in the bud so far; it would be still better could the whole system be upset. There is one consolation that they are now in the hands of one of the most active of our police officers, Nicholson, who will try hard, now that he has got the game a foot, to see the chase well concluded.

To add to our state of fear, we have had a new source of terror added to that under which we have been for some time laboring. It is this:—Some soldiers who had been out carousing felt annoyed that they had not been included in a "shout" in a grog tent. They left, and on the way to the camp insulted and assaulted all who came in their way, until at last a large party of miners coming up, the soldiers were compelled to "shout" police, and fly to the camp. Up till this time there had been four of them. Information was given to the officer on guard. He coolly said, if they were out they would be missed at eleven o'clock, and then, he said, they would be punished, if you call to-morrow.

In about half an hour after this, two of the four referred to left the camp, armed with their muskets, and paraded along the main road, subjecting the passers by to a strict inspection, asking them what they were doing there at that hour, and in one well-established case, presenting their pieces at the men who would not be "stuck up." Information was again conveyed to the officer on guard, and as the report was confirmed by the arrival of an officer of police, the guard and a constable, after nearly an hour's delay, turned out to see what was going on. The delinquents were not found, as they had again gone to the camp in the meantime, and turned in; but it has since been discovered that one gun was loaded and another bore marks of having been lately fired off, or had the charge drawn, and one of the pouches had two rounds missing. This matter should be thoroughly investigated. Such pranks should not be permitted, on Ballarat especially. A repetition of the lark might, nay, would certainly lead to lamentable consequences.

Appendix IV



VICTORIA
GOVERNMENT GAZETTE.

Published by Authority.

No. 86.]

TUESDAY, SEPTEMBER 4.

[1855.]

Colonial Secretary's Office,
Melbourne, 4th September, 1855.
PETITION FOR MUNICIPAL INSTITUTIONS.

BALLAARAT.

IN pursuance of the Act of Council, 18 Victoria, No. 15, His Excellency the Governor, with the advice of the Executive Council, has been pleased to direct the publication of the substance and prayer of a Petition to His Excellency, signed by Two hundred and ninety-two householders, resident in the township of Ballaarat, as follows:—

The Petitioners state that they are resident within the township of Ballaarat, which contains a population of more than three hundred householders, within an area not exceeding nine square miles, no point of which is distant more than six miles from any other point.

They further state that they are desirous of availing themselves of the operation of the said Act of Council, and that the township of Ballaarat may be proclaimed a Municipal District by the name of "The Municipality of Ballaarat," and that the boundaries may be regulated in accordance with the said Act of Council.

And the Petitioners pray as follows:—
"Your Petitioners therefore humbly pray that Your Excellency may be pleased to cause the said township of Ballaarat to be proclaimed in due form a Municipal District, and also that the boundaries of the said Municipal District may be regulated pursuant to the provisions of the said Act of Council."

By His Excellency's Command,
P.10587. **WILLIAM C. HAINES.**

Appendix V



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

No. 97.]

TUESDAY, OCTOBER 2.

[1855.]

Colonial Secretary's Office,
Melbourne, 4th September, 1855.

PETITION FOR MUNICIPAL INSTITUTIONS.

BALLAARAT.

IN pursuance of the Act of Council, 18 Victoria, No. 15, His Excellency the Governor, with the advice of the Executive Council, has been pleased to direct the publication of the substance and prayer of a Petition to His Excellency, signed by Two hundred and ninety-two house-holders, resident in the township of Ballaarat, as follows:—

The Petitioners state that they are resident within the township of Ballaarat, which contains a population of more than three hundred house-holders, within an area not exceeding nine square miles, no point of which is distant more than six miles from any other point.

They further state that they are desirous of availing themselves of the operation of the said Act of Council, and that the township of Ballaarat may be proclaimed a Municipal District by the name of "The Municipality of Ballaarat," and that the boundaries may be regulated in accordance with the said Act of Council.

And the Petitioners pray as follows:—

"Your Petitioners therefore humbly pray that Your Excellency may be pleased to cause the said township of Ballaarat to be proclaimed in due form a Municipal District, and also that the boundaries of the said Municipal District may be regulated pursuant to the provisions of the said Act of Council."

By His Excellency's Command,

P.10587.

WILLIAM C. HAINES.

Appendix VI



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

No. 127.]

TUESDAY, DECEMBER 18.

[1855.]

3275

LOCAL COURT DISTRICT OF STEIGLITZ.

PROCLAMATION

By His Excellency Sir CHARLES HOTHAM, Knight Commander of the Most Honorable Military Order of the Bath, Captain-General and Governor-in-Chief of the Colony of Victoria, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS by an Act of the Governor and Legislative Council of the Colony of Victoria, passed in the eighteenth year of the Reign of Her present Majesty, intituled, "*An Act to amend the Laws relating to the Gold Fields*," it was amongst other things enacted that it should be lawful for the Governor, with the advice of the Executive Council, by Proclamation from time to time, to declare any Gold Field to be a District for the purpose of forming a Local Court, with the powers and authorities thereafter described, and to declare the name of such District, and define the limits thereof, and after the publication of any such Proclamation the locality so described should be and become a District for the purposes of the said Act: Now therefore I, the Governor of the said Colony, do by this my Proclamation, in pursuance of the provisions of the said Act, with the advice of the Executive Council, declare that the District hereinafter described and named shall be a District for the purpose of forming a Local Court within the meaning of the said Act, that is to say:—

DISTRICT OF STEIGLITZ.

Commencing at the north-west angle of the parish of Darriwil, thence by the northern boundary of that parish three miles and forty-four chains, thence by a line bearing north nine miles and forty chains, thence by a line bearing west six miles and twenty chains to the River Moorarbool, thence by the River Moorarbool to the north-west angle of the parish of Darriwil the commencing point aforesaid, and the said District shall be called "The Local Court District of Steiglitz."

Given under my Hand and the Seal of the Colony, at Melbourne, this seventeenth day of December, in the year of Our Lord One thousand eight hundred and fifty-five, and in the nineteenth year of Her Majesty's Reign.

(L.S.)

CHA^s. HOTHAM.

By His Excellency's Command,

WILLIAM C. HAINES.

GOD SAVE THE QUEEN!

MUNICIPAL DISTRICTS OF BALLAARAT AND PORTLAND.

PROCLAMATION

By His Excellency Sir CHARLES HOTHAM, Knight Commander of the Most Honorable Military Order of the Bath, Captain-General and Governor-in-Chief of the Colony of Victoria, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS by an Act of the Lieutenant Governor and Legislative Council of the Colony of Victoria, passed in the eighteenth year of the Reign of Her present Majesty, intituled, "*An Act for the establishment of Municipal Institutions in Victoria*," it is amongst other things enacted, that any district of the Colony of Victoria, the area whereof shall not exceed nine square miles, and which shall contain a population of householders not less than three hundred, may, subject to the provisions of the said Act, be constituted a Municipal District as thereafter mentioned, provided that no one point in any such area shall be distant more than six miles from any other point; and it is further enacted that it shall be lawful for the Lieutenant Governor, with the advice of the Executive Council, on the receipt of a petition signed by not less than one hundred and fifty house-

holders under the said Act, to cause the substance and prayer of such petition to be published in the *Government Gazette*, and (if no counter petition, signed by an equal or greater number of householders resident within such locality shall have been delivered at the Office of the Colonial Secretary within one month from the date of such publication) the Lieutenant Governor, with the advice aforesaid, may, if he think fit, declare by Proclamation such locality a Municipal District by a name to be mentioned in such Proclamation, and also by the same or any other Proclamation may define the limits and boundaries of such Municipal District, and such limits and boundaries at any time thereafter in the same manner on receipt of a similar petition may vary and alter, but so as in no case, save as thereafter mentioned, to include within the limits or boundaries of such Municipal District an area of more than nine square miles, and upon the publication of any such Proclamation in the *Government Gazette*, such locality so defined shall be deemed and taken to be a Municipal District within the meaning of the said Act; And whereas petitions have been presented to the Governor by the householders resident within the respective Towns of Ballaarat and Portland, the substance and prayer of which petitions have been published, as directed by the said Act, but no counter petitions have been delivered in opposition thereto: Now therefore I, the Governor of the said Colony, do by this my Proclamation, in pursuance of the provisions of the said Act, with the advice of the Executive Council, declare that the districts hereinafter described and named shall be Municipal Districts within the meaning of the said Act: that is to say,—

MUNICIPAL DISTRICT OF BALLAARAT.—Commencing at the north-east angle of allotment 1 of section A, Parish of Ballaarat, thence by a line bearing east one mile twenty-two chains and eight links to a marked post; thence by a line bearing south to the River Yarrowee; thence by the River Yarrowee to the southern boundary of the Township of Ballaarat; thence by the said southern boundary and a line bearing west one mile and ten chains to a marked post; thence by a line bearing north one mile four chains and forty links to the western boundary of the Police Paddock; thence by the western and northern boundary lines of the said Police Paddock to the north-west angle of allotment 2 of section C, in the Parish of Ballaarat aforesaid; and thence by a line bearing east, being the south side of a Government road, to the commencing point aforesaid.

And I do hereby, with the advice aforesaid, direct that the Council of the said Municipal District of Ballaarat shall be called by the name and style of "The Municipal Council of the District of Ballaarat."

MUNICIPAL DISTRICT OF PORTLAND.—Commencing at a point on the beach bearing east eight chains from the north angle of allotment 31 of northern suburbs, and bounded on the north by a line bearing west seventy-two chains; on the west by a line bearing south two hundred and thirty-three chains and thirty-four links, more or less; on the south by a line bearing east to the sea coast, and by the sea coast northerly to the point of commencement.

And I do hereby, with the advice aforesaid, direct that the Council of the said Municipal District of Portland shall be called by the name and style of "The Municipal Council of the District of Portland."

Given under my Hand and the Seal of the Colony, at Melbourne, this seventeenth day of December, in the year of Our Lord One thousand eight hundred and fifty-five, and in the nineteenth year of Her Majesty's Reign.

(L.S.)

CHA^s. HOTHAM.

By His Excellency's Command,

Appendix VII

Ballarat (Vic.). Council. *City Council of Ballarat: the Mayor's special report, 25th anniversary,*

1881 Ballarat 1881

Copy of Petition of Householders of Ballaarat, praying for incorporation under the "Act for the Establishment of Municipal Institutions in Victoria," presented to His Excellency Sir Charles Hotham, &c.

To His Excellency Sir Charles Hotham, Knight of the most Honorable Military Order of the Bath, Captain General and Governor-in-Chief of the Colony of Victoria, and Vice-Admiral of the same, &c., &c., &c.

The humble Petition of the undersigned householders resident in the Township of Ballaarat, in the Colony of Victoria, SHEWETH—

THAT your Petitioners are resident within the Township of Ballaarat, in the Colony of Victoria.

THAT such township contains a population of more than Three hundred householders.

THAT the area of the township of Ballaarat does not exceed nine square miles, and that no one point in any such area is distant more than six miles from any other point.

THAT your Petitioners are desirous of availing themselves of the operations of the Act of Council 18th Vict., No. 15, entitled "An Act for the establishment of Municipal Institutions in Victoria," and they are desirous that the township of Ballaarat may be proclaimed in due course of law a Municipal District by the name of the Municipality of Ballaarat; and also that the boundaries of the said Municipal District may be regulated in accordance with the provisions of the said Act of Council.

Your Petitioners therefore humbly pray that your Excellency may be pleased to cause the said township of Ballaarat to be proclaimed in due form a Municipal District, and also that the boundaries of the said Municipal District may be regulated pursuant to the provisions of the said Act of Council. And your Petitioners:—

Wm. Henry Surplice, householder
* Muir Brothers & Co., householders
Adam Loftus Lynn, householder
* Thomas Comb, householder
Alex. McLaren, householder
* Wm. Tulloch, householder
W. E. Pierce, landowner
John T. F. Bowker, householder
William Craven, householder
James Bouchier, householder
Thomas Jones, householder
Joseph Dixie, householder
Thos. P. Genard, householder
Davies & Son, householders
Thomas Brown, householder
William Brown, householder

Charles Potts, householder
G. F. Potts, householder
R. Potts & Co., householders
Thos. Randall Solicitor, householder
* J. H. Harris Solicitor, householder
J. E. M. Wigley, Solicitor, householder
Henry Harris, householder
Samuel Irwin, landowner
John Gibbs, householder
H. J. McMillan, householder
Alex. Fraser, householder
George Redman, householder
J. H. F. Spanhake, householder
George Roberts, landholder
* A. B. Ranken, house and landowner
J. W. T. Cairns, house and landowner

II.

Francis Herring, house and landowner
 George Howe, hotel-keeper
 Geo. H. Gibson, surgeon
 Thomas Cowan, householder
 James W. R. Pringle, householder
 Wm. Richards, householder
 M. H. Cobe, house and landowner
 Fred. Hitchins, landowner
 H. L. Wortle, householder
 Charles Brazier, householder
 Joseph Southward, householder
 George Anderson, publican
 Craser & Co., house and landowners
 H. M. Morris, householder
 John Stewart, householder
 Robert Dent, householder
 Silas E. Craine, householder
 Hauer Jusmond, householder
 Thomas Lang, householder
 Edward John Lewis, Solicitor, householder
 Richard Clark, householder and Solicitor
 Thomas Bath, householder and landowner
 J. H. Alley, householder and landowner
 H. George Wm. Cooper, householder and landowner
 Moore & Dunn, householders and landowners
 John Allen, householder and landowner
 George Hunt, householder and landowner
 Charles R. Williams, householder and landowner
 Thomas White
 S. C. Fraser
 * James R. H. Thackeray, M.A., P.L.D., householder and landowner
 * Augustus Dimock, M.D.
 Benjamin Brokenshire, householder & landowner
 Helpling & Greig, householders and landowners
 Wm. Gibson, for self and partners (King, Gibson & Brown), storekeeper
 Edward Hillson, householder
 Lawrence Gibson
 J. H. Bruce
 Francis Brophy
 H. Seekamp, householder and landowner
 William Wills, householder and landowner
 John Campbell, householder
 Frederick D. Reed, householder
 James Tappin, householder and landowner
 Robert Reeves, merchant, Mair-st.
 Benjamin Ward, Pimlico Store
 Fletcher & Evans, printers
 Arthur Crisp, householder
 Jeremiah Blade, butcher
 Wright & Evans, Auctioneers
 C. Tarrant, householder
 C. Simpson, householder
 Crossley & Co.,
 Robinson & Cole, Chemists, etc.

Biggs & Shoppee, storekeepers
 John Watts
 Williamson & Hart, storekeepers
 Gibson & Stewart, storekeepers
 T. and J. Bray, storekeepers
 Gerrard & Co., storekeepers
 J. W. Isaacs, Q.P.S., householder
 Henry Paul Leman, surgeon, etc., householder
 Oliver Brothers, householders
 J. R. Grundy & Co., householders
 Williams & May, householders
 Joseph Willis, householder
 Andrew McEmison, householder
 A. E. & R. Alexander, merchants, householders
 C. Stewart, householder
 Robert Dickson, householder
 Robert McNiece, timber merchant, householder
 Henry Col, householder
 Wm. Robertson, Manager Bank of Victoria, Ballarat
 W. B. Chilwell, Manager Bank N. S. W.
 Daniel Sweeney, auctioneer and landowner
 M. Elliot, Manager Bank of Australasia, Ballarat
 James Gray, householder
 Hermand Berge, chemist
 Gougon & Herring, storekeeper
 Wm. McNee, Crow Dining Rooms
 James Cummins, timber merchant
 B. Bibanfold, storekeeper
 Reynolds & English, storekeepers
 E. Peril, storekeeper
 Wm. Walker, storekeeper
 Bradshaw & Salmon, storekeepers
 Eyres Bros. & Newman, storekeepers
 S. Solman
 James D. Macartney, watchmaker
 Chambers Brothers & Co., storekeepers
 H. V. Freestone, storekeeper
 H. Levinson, watchmaker
 W. M. Letcher, gold broker
 Alfred D'Bracy Brook, apothecary
 Charles King, storekeeper
 Adolph Pohl, merchant
 James Mulholland, Innkeeper
 William Wright, billiard-tablekeeper
 Robert Walsh, Barrister-at-Law
 W. C. Smith, auctioneer
 Henry Thurston Evans, gold broker
 * B. J. Harris, householder
 A. P. Bowes, auctioneer
 W. Hood, landholder
 William Bradshaw, landholder
 Adam Beveridge, landholder
 Edward Agar Wynne, landholder
 Emil Pohl, wine merchant
 * Edward Hancock, Professor of Music
 F. Lewers, landholder

III.

- Samuel Walford, householder
 R. A. Burton, solicitor
 Joseph Tait, householder
 Alfred A. Surplice, householder
 William Surplice, householder
 William Duncan, householder
 James A. Douglas, householder
 William Jackson, house and landholder
 G. Butchart, Manager London Chartered Bank
 J. W. Wilis, merchant, Ballarat
 T. Conks
 E. G. Emery
 Robert Smith, house and landowner
 George Heather, builder
 A. & H. B. Chalmers, storekeeper
 * James Stewart, M.D.
 Symons Oasey, land and householder
 William Bramwell Robinson, chemist
 Samuel M. Walker, householder
 Charles Brown
 Hilfling & Greig
 Wm. Morrison, Township, merchant
 John Allen, merchant
 John Wilson, Township
 Thomas Patti, Township, publican
 Peter D. Murphy, Main Road, storekeeper
 J. P. Jamieson, Main Road, merchant
 Spencer Wilson & Co., Main Road, storekeepers
 J. F. Grayling, Main Road, storekeeper
 E. S. Woodin, Main Road, storekeeper
 Hemmingway & Jones, Main Road, storekeepers
 Morris Colman, Main Road, storekeeper
 Thos. W. Brammer, Main Road, storekeeper
 Swan & Co., Main Road, storekeepers
 John Moore, Main Road, storekeeper
 M. Walker, Main Road, storekeeper
 George Fields, Bakery Hill, storekeeper
 Reuben Marks, Bakery Hill, storekeeper
 Edward Galastin, Bakery Hill, storekeeper
 Robert McLister, Ballarat, storekeeper
 Ansen P. Morris, Ballarat, storekeeper
 Alex. Fraser, Black Hill, Union Hotel
 Mr. F. Tyree, Ballarat, His Lordship Larder
 G. B. Evans, Ballarat, labor mart
 John C. McMamny, Golden Point, storekeeper
 John English, Golden Point, storekeeper
 Joseph Furlong, Golden Point, storekeeper
 James Meagher, Golden Point, storekeeper
 John Wildredge, Poverty Point, storekeeper
 John Mildridge, Main Road, storekeeper
 Henry Thos. Holyooke, Mechanics' Institute, storekeeper
 Andrew Morrison, Red Streak, storekeeper
 Brunery & Gillott, Red Streak, storekeeper
 John Campbell, Main Road, "Age" Agent
 Pole & Co., Main Road, storekeepers
 Jeremiah Blann, Main Road, butcher
 Hogg & Norris, Main Road, storekeepers
 Peter Humble, Main Road, butcher
 Charles Spencer, Main Road, storekeeper
 Wicks & Herring, Main Road, storekeeper
 J. R. Grundy & Co., Main Road, storekeepers
 S. Braham, Main Road, storekeeper
 E. Dight, storekeeper, Ballarat
 M. E. Cooney, Main Road, storekeeper
 W. Fletcher, Main Road, gold broker
 J. H. Walters, Main Road, butcher
 John Moon, thistle store, Main Road
 Howell & Sherlock, caps tin shop, Main Road
 Kean & Neilson, auctioneers, Main Road
 * Hyman Levinson, watchmaker, Main Road
 Arthur H. Bayley, agent, Main Road
 Henry Carpenter, ironmonger, Main Road
 Joseph Whiat, storekeeper, Main Road
 J. W. Green, "Argus" Agent
 L. Sutton, musical instrument repairer, Bakery Hill
 George M'Intosh, baker, Bakery Hill
 P. Philp, Gravel Pit Flat
 Thos. E. Young, storekeeper, Bakery Hill
 Joseph Hull, bootmaker, Bakery Hill
 Alexander Keens, watchmaker, Bakery Hill
 Robert Bucten, storekeeper, Bakery Hill
 Geo. Copley, coachmaker, Bakery Hill
 T. H. Butler, physician, Red Hill
 Chas. Wright, digger, Bakery Hill
 David Alledsen, Milbugett
 J. O. Veauzery, carpenter, Bakery Hill
 John Harris, butcher, Bakery Hill
 Augustus Beyer, blacksmith, Bakery Hill
 R. A. Morrison, storekeeper, Bakery Hill
 Mitchison Bros. auctioneers, Bakery Hill
 Campbell & Davidson, bakers, Bakery Hill
 A. Aussell, storekeeper, Bakery Hill
 Hermansons, storekeeper, Bakery Hill
 R. Cullen, Surgeon, Bakery Hill
 D. Weigert, tobacconist, Bakery Hill
 James Davis, druggist, Golden Point
 Smith & Linklater, storekeepers, White Flat
 C. W. Thompson, druggist, Golden Point
 George Wilson, butcher, Golden Point
 Thos. Michel, butcher, Golden Point
 J. Kane, butcher, Golden Point
 Herman, & Co., chemists, &c., Old Post Office Hill
 Wilson & Co., storekeepers, Red Hill
 B. D. McGill, jeweller, Red Hill
 John Godfrey, watchmaker, &c., Red Hill Flat
 William Gyland, watchmaker, &c., Main Road, Ballarat
 S. & M. Joel, gold brokers, Red Hill Flat
 Hobson & Warner, surgeons, &c., Main Road
 S. Bielefeld, merchant, Ballarat Flat
 H. Block & Co., storekeepers, Red Hill Flat

IV.

- | | |
|---|---|
| <p>W. B. Rodier, storekeeper, Red Hill Flat
 D. W. Callum, storekeeper, Specimen Hill
 H. Boulter & Co., storekeeper, Specimen Hill
 Wm. S. M. Fox, miner, Black Hill Flat
 William McCullough, tailor, Township
 H. P. R. Nicholls, miner, Township
 C. F. Nicholls, miner, Township
 Wm. S. Madden, miner, Bakery Hill
 Alfred C. Hadral, miner, Gum Tree Flat
 E. G. Tyree, builder, Gum Tree Flat
 Robert Dunn, Township, merchant
 Dixie & Partlin, Township, gold brokers
 W. Surplice & Sons, Township, gold brokers
 * W. B. Ochiltree, Township, Manager Bank of
 New South Wales
 T. Jones, Township, bootmaker
 G. Roberts, Township, grocer
 David McCallum, Township, storekeeper
 * Howe & Herring, Township, storekeepers
 Davis & Son, Township, saddlers, &c.
 Thos. & Wm. Brown, Township, stationers</p> | <p>William Dunkin, Township, blacksmith
 H. H. McMillan, Township, Commission Agent
 Edward Owpun, Main Road, mechanic
 Alfred Lester, Free Trade Hotel, Eureka
 Thomas Horne, Township, baker
 Samuel C. Fraser, Township, merchant
 John G. Strachan, Suburbs
 * Issachau Marks, Main Road, storekeeper
 Tryree Green & Co., Main Road, auctioneers
 Henry Jackson, Main Road, butcher
 William Wasley, Red Hill, butcher
 Binney & Gillott, Golden Point, storekeeper
 Charles Evans, Ballarat, printer
 Charles Norman, Main Road, pastry cook
 Charles Wood, Golden Point, storekeeper
 William Cameron, Golden Point, storekeeper
 Fred. Young, Golden Point, chemist & druggist
 Neill & Lang, Golden Point, bakers
 James Wright, Golden Point, baker
 William Fryer, Golden Point, householder</p> |
|---|---|

Appendix VIII

Offer of Land by Government Surveyor Mr Taylor

VPRS 2500 P0000/1 Ballarat Municipal Council Letters Inward January – December 1856-1857

Ballarat 29th January 1856

Dear Sir

Ballarat Municipality

In compliance with the request conveyed in yours of 28th inst. I beg to enclose the original letter received by me from the Surveyor General informing me that His Excellency in Council had been pleased to approve of the portion of Land Allotment 2 of Section 1 Town of Ballarat being appropriated for the use of the Municipal Council.

At the same time I have to ask that the Council will direct its production in the event of my requiring reference to it hereafter, inasmuch as it forms a portion of a correspondence undertaken by myself on the suggestion of the Committee for obtaining the Municipality.

I beg to inform the Council that the Land in question was some time since applied for by Mr Taylor the Government Surveyor at Ballarat, but that he consented to waive his claim for the benefit of the Municipality, provided a sufficient portion of the Land for Government Survey Offices was reserved to the

Government. It was upon this understanding that
he recommended to the Government on being applied
to on the subject my application that the grant should
be made for a Town Hall &c. -

And though from a verbal communication
from him I have reason to believe he is prepared
to give up all claim to any part of the Land, yet
I think it right to put you in possession of the
circumstances affecting the proposed grant of Land

I have the honor to be
Sir

Your obed^t Serv^t

J. M. Higley

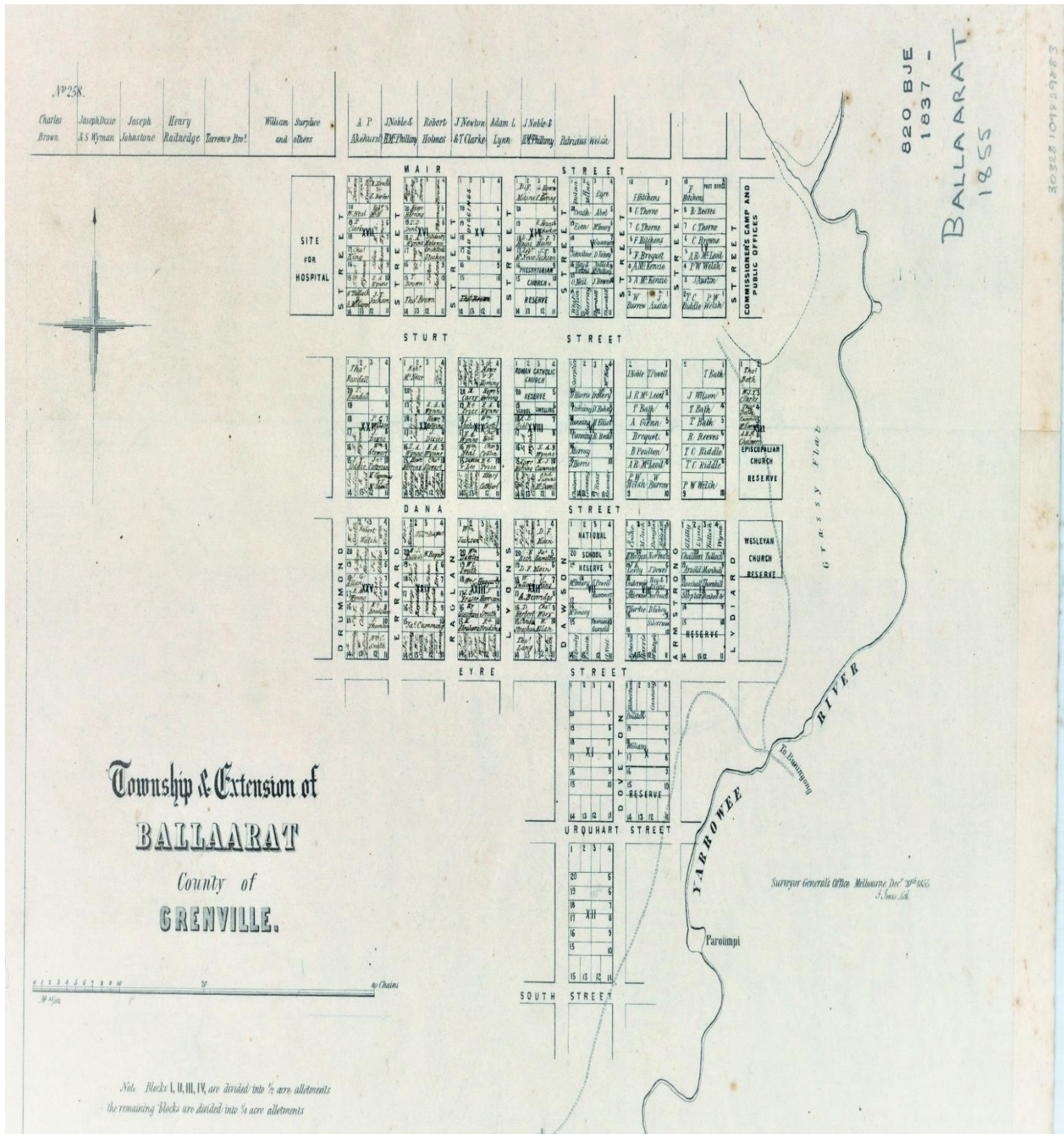
To

the Chairman of the Pallasat Municipality

Appendix IX

Surveyor General's Office. (1855). *Township & extension of Ballaarat, County of Grenville [cartographic material] / Surveyor General's Office, Melbourne, Dec. 20th 1855, J. Jones, Lith.* Melbourne: Surveyor General's Office.

SLV Ref: Maps Collection MAPS 820 BJE 1837- BALLARAT 1855



Appendix X

List of unsold properties in Ballarat West VPRS 2500 P0000/1 Ballarat Municipal Council Letters Inward January – December 1856-1857

(1)

List of unsold land within the Municipal Boundary
of Ballarat, with the estimated value thereof.

Sec. V. subd.	ac.	ro.	po.	per acre	Amount	Totals.	
							Building allotments South of Eyre Street occupied as Residences of Miners
Sec. 27 26	5	"	"				So. of Eyre Street and
" 27	5	"	"				between Dawson and
" 28	5	"	"				Government Street
" 29	5	"	"				"
" 30	5	"	"				"
" 31	5	"	"				"
" 32	5	"	"				"
" 33	5	"	"				"
" 40	5	"	"				West of Government Street
" 41	5	"	"				"
" 42	5	"	"				"
" 43	3	3	20				
" 44	3	3	20				
" 45							partly sold
" 46	5	"	"				
" 47	5	"	"				
" 48	5	"	"				
" 49	3	3	20				
" 50	3	3	20				
" 51	5	0	0				
" 52	5	"	"				
" 53	0	0	0				Barren land & gravel
" 54	5	"	"				
" 55	3	3	20				
" 56	3	3	20				
" 57	5	"	"				
" 58	5	"	"				
" 59	5	"	"				
" 60	5	"	"				
	129	3	9				

(2)

Sec. & allotment	ac	sq. ft.	Price per acre	Amount	Total	Remarks
Sec. 61	128	3	"			Reserve. Gymnasium
" 62	5	"	"			
" 63	5	"	"			
" 64	5	"	"			
" 66	3	3	20			
" 67	3	3	20			
" 68	3	3	20			
" 69	3	3	20			
" 70	5	"	"			
" 71	5	"	"			
" 72	5	"	"			
" 73	5	"	"			
" 74	5	"	"			
" 75	5	"	"			
" 76	3	2	"			
" 77	1	2	8			
" 78	5	"	"			
" 79	1	1	"			
" 80	2	1	" 7 1/2			
So. of Sebastopol St	15	2	"			
between Sebastopol St						
and H & C Streets	30	"	"			
Soldiers Hill No.						
of MacArthur	13	2	0			between Boston & Cemetery
"	13	2	0			between Cemetery & Adams
"	12	"	24			
"	12	"	24			
"	17	2	8			
So. West of Boston St	60	"	" 8			
between St. beyond						
Cemetery	8	"	"			
	89	"	24			

(3)

Loc. & Allotment	ac	ro	pr	Price per acre	Amount	total	Remarks
Burnbank R. R. Ry.	39 ³	"	24				
"	13	"	24				
"	2	"	"				
"	6	"	"				
Behin's Cemetery	1	"	32				
"	3	2	"				
Allot. 1.	5	"	16				
	428	"	16				
Reserves, in hands of the Council							
Botanical Gardens	72	1	15				
Recreation	1	"	9				
Market	3	1	6				
Muir's Lyceum Bldg.	2	2	"				
Council Chambers	"	2	"				
Public Park	320	"	"				
	407	2	30				

Appendix XI

Records of accounts for Martin & Scott in forming the Ballarat West Streets in 1856: VPRS 2500 P0000/1 Ballarat Municipal Council Letters Inward January - December 1856-1857

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Certificate of the amount of work done
by Messrs Martin and Scott on their
Contract for forming the Streets of Ballarat
Sept Oct 8th 1856

Description	Quantities	Price	£	s	d	£	s	d
Lydiard Street								
Excavations	cu yds 1734 2/6	216	15	"				
Pitching	sq yds 1722 2/3	193	14	6				
Metalling	" 1722 2/3	279	16	6				
Paved Crossings	" 50 6 1/2	41	13	4				
Dressing footpaths	lin yds 223 1/6	16	14	6				
Drains	" 250 0 1/6	18	15	"	767	8	10	
Lana Street								
Excavations	cu yds 1402 2/6	175	5	"				
Pitching	sq yds 2090 2/3	235	4	"				
Metalling	" 2090 2/3	339	14	8				
Paved Crossing	" 32 1/2 14/8	26	17	"				
Dressing footpaths &c	lin yds 215 1/6	16	2	6				
Drain through Embt	" 17 0 2/6	6	7	6				
Drains	" 30 0 1/6	2	5	"	801	15	8	
Armstrong Street								
Excavations	cu yds 3788 4 2/6	472	17	6				
Pitching	sq yds 4566 2/3	513	14	3				
Metalling	" 4566 2/3	742	0	7				
Paved Crossings	" 119 16/8	99	3	4				
Dressing footpaths &c	lin yds 567 1/6	42	10	6				
Modern Culverts through footpaths	2 0 5	10	"	"	1880	6	2	
Mair Street								
Excavations	cu yds 1366 4 2/6	170	15	"				
Pitching	sq yds 1984 2/3	223	5	6				
Metalling	" 1984 2/3	322	10	2				
Paved Crossings	" 32 1/2 14/8	26	17	"				
Amount forward,		743	7	8	3449	10	8	

		£	s	d	£	s	d
Amount forward		743	7	8	3439	10	"
Dressing footpaths &c	lincs 115 @ 1/6	8	12	6			
Drains through Embankment	" 40 @ 7 ⁵ / ₁₆	10	"	"	762	0	2
<hr/>							
Repairing Lydiard Street							
Excavations	lincs 1247 2/6	155	17	6			
Broken Metal put on	" 136 @ 15/	102	"	"			
Dressing footpath	lincs 130 @ 1/6	9	15	"	267	12	6
Total Amount					£4479	2	8
Amount paid					3708	14	"
					770	8	8
Deduct Metal required to complete							
the quantity	lincs 50 @ 16/	40	"	"			
Security for keeping the							
sideway in repair till 31 st dec.		25			65	"	"
Amount due					£4405	8	8

770
480
290

3708
480
4188

3708 14
500
4208 14

Appendix XI

Valuator's First Report:

VPRS 2500 P0000/1 Ballarat Municipal Council Letters Inward January – December 1856-1857

(12)

Abstract of Assessments

1	Sturt	Street	44 assessments	£ 3,605
2	Mair	Street	44 d°	3,936
3	Dana	Street	51 d°	2,040
4	Eyre	Street	33 d°	730
5	Murguhart	Street	" d°	"
6	South	Street	" d°	"
7	Drummond	Street	18 d°	256
8	Erard	Street	36 d°	738
9	Raglan	Street	30 d°	853
10	Lyons	Street	26 d°	870
11	Dawson	Street	30 d°	947
12	Doreton	Street	43 d°	2,247
13	Armstrong	Street	54 d°	5,998
14	Lydhard	Street	57 d°	15,225
15	Eureka	Street	9 d°	195
Suburban Lands.		Suburban Lands	20 d°	2,348
		Facing Swamps		
		Drummond St north of Mair St	28 d°	2,089
		Govt Road north of Mair Street	25 d°	5,777
		Great Mair Road and Market Place	37 d°	3,747
		North East of Swamp	1 d°	187
		Purnbank road and Facing north of Swamp	9 d°	540
		595 assessments		£ 48,328